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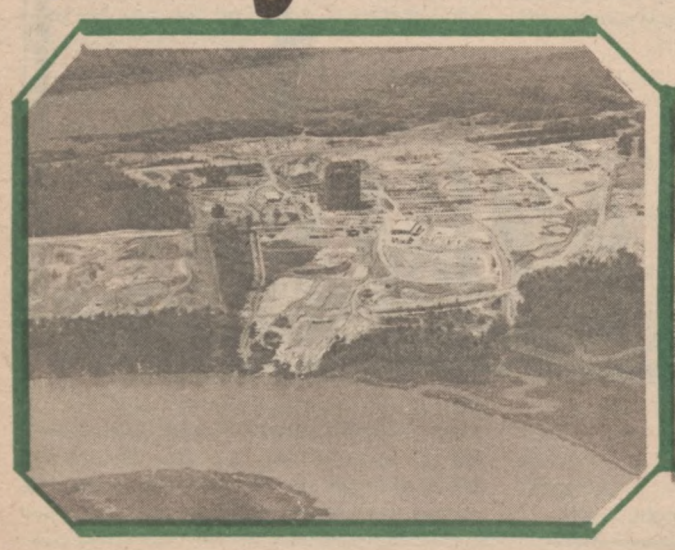
SOUTH CAROLINA'S NEWSWEEKLY

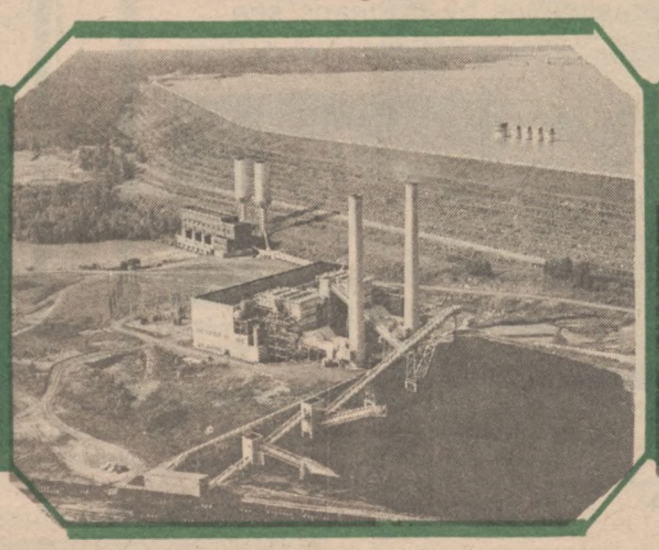
osceola

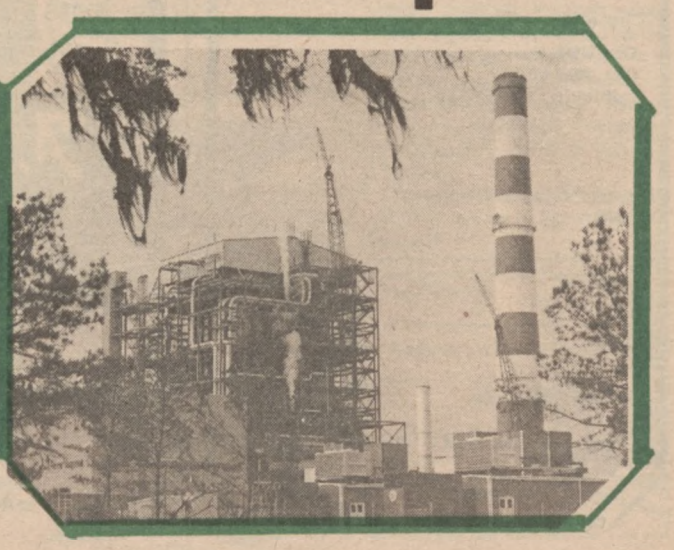
Tom Turnipseed

Arthur Williams

Why Does SCE&G Want $&¢?







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John Norton
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Readers Write...

Restructuring

To the editors:

One of the many constant "curses" the South Carolina Negro has had to live with has been the persistent selection by white men of the "Negroes' indispensable leadership."

We feel that your Tim Rogers does a poor service when he "restructures" our political history to serve some very limited objectives. I. DeQuency Newman has our admiration and respect, but to write "that he more than any other single individual was responsible for blacks successfully fighting their way into the Democratic Primary process", or "establishing a network of black leaders around the state" is pure literary convenience. This kind of fantasy-writing provides a "foundationless euphoria" that makes a group of people think they have something that any realist knows they do not have.

Richland County Negroes had been lulled into believing that former representatives Felder and Johnson were "their leaders", but you know too well how quickly and successfully the Richland County "real" leaders eliminated these two fine young men from the "leadership" legislative team.

Tim Rogers should read very carefully I.A. Newby's "Black Carolinians" (University of South Carolina Press), especially Chapter VII—A New Reconstruction. There was a day and time when South Carolina Negroes "made" their leadership. There were two organizations of independent Negroes in South Carolina, who raised the necessary monies, then legally and successfully fought through the courts for admission into the South Carolina Democratic Primary: The South Carolina Chapters of the NAACP and the South Carolina Progressive Democrats (with the Lighthouse and Informer as its mouthpiece). James Hinton and Eugene Montgomery led one. John McCray the other. Please, let's keep our background narratives out of the realm of "limited conveniences."

I really think that "Osceola" (incidentally, the first candidate sponsored by the S. C. Progressive Democrats for the U. S. Senate in the 1940's was named Osceola McKaine) can be of great service to the people of our state. However, thorough, honest, and factual reporting is going to have to be watchword, if it is to survive.

Respectfully,

Arthur Clement, Jr.
517 Rutledge Avenue
Charleston, S. C. 29403

Filling the void

To the editors:

I thank and congratulate you for your informative and public interest articles, "Personalities and Environment" and "Nuclear Energy: Gauging The Costs To The Public".

A void and great public need in South Carolina has been filled by your publication which tells it like it is and does not disseminate the unbalanced systematic deliberate indoctrination of the special and vested interests.

Subsidized, wasteful, ineffective, hazardous and expensive nuclear fission power plants are producing higher rates and problems; including the deadly radioactive fission garbage which must be safeguarded for thousands of years at taxpayers' expense.

There is no proof that these large plants with untested emergency cooling systems are safe.

Most home and automobile insurance policies exclude damage for radioactivity.

Commercial "Insurance Pools" assume a fraction of the total risk for off-site public liability insurance for nuclear fission power plants, and will not award more than $95 million for a single nuclear accident. This $95 million is insignificant compared to the $7 billion or more possible loss estimated by a 1965 Atomic Energy Commission (AEC) study. Thus, the "Insurance Pools" are not convinced that nuclear fission power plants are safe.

The Price-Anderson Act of 1957 authorizes the AEC to provide nuclear fission power plants with $465 million of insurance for each accident. This federal indemnity makes up the difference between the private insurers $95 million and the legislative upper liability limit of $560 million.

Utilities have indicated that without the Price-Anderson public liability insurance they would not go nuclear because a major accident would bankrupt them. The modest premiums of AEC insurance are subsidies at the taxpayers' financial risk.

The smallest amounts of radiation cause cell damage and large does cause death. All radiation exposures are deceptive in that leukemia, other cancers, and genetic damage—appear years or generations later. Radioactivity is invisible death. You can't see it or smell it. It travels silently in the air, soil, and water.

The General Assembly and Governor of South Carolina in Act No. 223, of South Carolina, General and Permanent Laws, 1 May 1967, endorsed nuclear fission power plants and directed the State Development Board and the State Budget and Control Board to promote, assist, and support the proliferation of nuclear fission power plants by various means. The AEC has similar functions.

David E. Lilienthal, first AEC Chairman, stated in 1969: "Once a bright hope shared by all mankind, including myself, the rash proliferation of atomic power plants has become one of the ugliest clouds overhanging America."

Dr. Hannes Alfven, 1970 Nobel Laureate in Physics, University of California; Dr. John W. Gofman, Dr. George L. Weil, Dr. Henry W. Kendall, and other eminent scientists have expressed views similar to Mr. Lilienthal's.

Many billions of tax dollars have been spent to promote develop and regulate nuclear fission power plants while funds have been short for these fission-free alternatives: Nuclear Fusion, Solar Energy, Wind and Tidal Power, Geothermal Energy, Gasification of Coal, Garbage, Refuse, Sewage, Manure, Oil Shale, Thermal Differentials (in warm and cold ocean currents), Fuel Cells, Methane Gas From Algae, and Magneto Hydronamics.

We need elected officials who are Statesmen with concern for the public interest and the next generation. We should not elect Politicians who are concerned about the next election and mainly represent themselves, special-interests and vested-interests.

If you are concerned about the public interest and posterity, you should urge Congress to enact a moratorium on the licensing and operation of civilian nuclear fission power plants, and to accelerate the development of fission-free energy technologies.

Sincerely, yours

William R. Moore
72 Juarez Court
Columbia, S. C. 29206

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Cheap Shots

With all the hoopla concerning the Watergate money laundering operations and the failure of the President's closest associates to report millions in campaign contributions, it seems a bit strange that Watergate-weary South Carolina Republicans didn't pounce on South Carolina Democratic Party chairman Don Fowler last week when he revealed a federal audit of his state party.

Fowler said the federal audit has "found several inconsistencies and omissions, but they generally gave us a clean bill of health."

The inconsistencies and omissions included:

-- Failure to report the party's $30,000 operating bank account on April 7, 1972, the effective date for such disclosures.

--Omission from reports of more than $35,000 in filing fees impounded last year by a federal court order;

-- Failure to include $38,500 from state senate candidates which were simply distributed to county parties;

-- Failure to report the party's $150,000 operating budget during the April 7- August 31 period last year;

--Minor errors and omissions amounting to about $2,500.

If our addition is correct, then, inconsistencies and omissions comes to about $276,000... no Watergate to be sure, but a quite a bit of money for a state Democratic Party to misplace.

Fowler said he was releasing the figures at this time to encourage legislators to enact a state version of the federal disclosure act. An eager Capital press corps gobbled up the news, grateful for the editorial windfall in the wake of a rather listless summer news diet.

But if Fowler were really trying to influence the legislature, why did he release the report when the legislature was not in session and is not expected to convene for session until January for regular business.

Of course, if the federal audit had been released in Washington prior to any comment by Fowler, it might not have looked so open and accomodating on the part of the S.C. Democratic Party.

Good timing, Don.

Don Fowler

Ken Powell, chairman of the South Carolina Republican Party, told *Osceola* this week that he knows of two Republicans who are readying themselves to run against U.S, Senator Ernest "Fritz" Hollings next year. When asked to reveal the identities of the two phantom candidates, Powell gave a thats-for-me-to-know-and-you-to-find-out response.

He did say, however, that this means there will probably be a Republican primary next year.

One Hollings aide told *Osceola* that Tom Turnipseed, director of the South Carolina Taxpayers Association, is receiving Republican money and implied this was a prelude to a Turnipseed candidacy for Hollings' seat but Powell denied giving any such aid and said he has no knowledge of a Turnipseed candidacy.

Turnipseed says he isn't receiving any Republican money and he isn't running against Hollings, but adds, "I wish someone would."

Last month Ken Powell, chairman of the South Carolina Republican Party mailed a letter to 17 contributors of $1,000 to the state Democratic Party which read:

"Unlike your investment in the Democratic Party of South Carolina, your investment with us will be kept in the strictest confidence. We do not have to file with any state or federal regulatory agency nor do we give or sell our list of contributors to any political candidate or committee."

While the letter seems to contradict the 1972 Federal Campaign Act, Powell says he has violated no law.

Powell explains that since the state GOP will not contribute to federal campaigns they do not have to comply with federal law. As a result the Republicans can keep their contributors confidential.

The reason behind the letter, Powell said, "was to let those Democrats who would like to see a strong two-party system, but who have to rely on government contracts for income make a contribution and not be in fear of their financial security.

"The only trouble we got was after a Mr. Gill in Florence mailed a copy of the letter to Washington and federal officials called on us," he said. "We checked out okay with them, however. Lo and behold we found out Mr Gill is an architect in Florence who did work on the Supreme Court Building, the new University of South Carolina Law School and one other state building. It was people like him we were trying to help."

Powell rejected claims that he had violated the law by copying lists kept by the state elections commission and used them for solicitation. Federal law expressly prohibits the copying of any of the lists kept on file in Washington but it fails to make the same restriction as to lists kept in each of the states. The chairman said that while many states have implemented such a restriction, South Carolina has failed to propose and adopt one.

The result is that Democrats are forced to report all contributors while Republicans copy their lists and approach the same people explaining they won't have to go through the problem of public disclosure if they giveto the GOP.

While the Republicans may be sidestepping the Federal Campaign Act, the state Democrats are not exactly playing it straight.

According to records kept at the state election commission, Congressman Mendel Davis received $500 on October 27, 1972 and $1,000 on November 6, 1972 from "The Committee of 100."

The same files reveal "The Committee of 100" also contributed $500 to John Jenrette's unsuccessful campaign for Congress.

The Federal Campaign Act states that committees which contribute over $1,000 in any year to campaigns for federal office must file a financial statement. Files at the elections commission and at the U.S. Comptroller's office fail to yield a financial statement on "The Committee of 100."

Officials at the state election commission said they have received many queries concerning the committee, but they have no knowledge as to whom is involved or what it is. Their only clue is that Davis' records indicate Edgar McGowan is treasurer of the Committee of 100.

McGowan, who is labor commissioner and former treasurer of the South Carolina Democratic Party, said this week "the Committee was just a bank account of the Democratic Party and as such need not be reported as a seperate entity."

Democratic Party records kept at the elections commission show no category of funds described as "The Committee of 100," indicating perhaps McGowan may be mistaken or that the phantom committee may not have really existed.

Finally, sources have been reporting that *Osceola* has been bought out" by Governor John West, or his publishing partner Fred Sheheen, who was featured on an Osceola cover story several weeks ago. There is no truth to this rumor(s). They haven't even made us an offer.

Osceola is owned by six stockholders, all of whom work for the newspaper. For complete information, consult appropriate records filed with the Secretary of State's office.

Osceola is a product of Parallax Media Projects, Inc., a South Carolina corporation. Stock is held by six individuals, all of whom are listed in our masthead on page two.

In addition to publishing *Osceola* PMP, Inc. does typesetting and design work, which helps feed our hungry staff.

The American Revolution is Being Brought to You By...

In celebration of our country's Bicentennial, corporate America and the White House are planning to sell you the American Revolution. Plastic liberty bells. Red, white, and blue Fords. Sarah Lee 1776 Birthday cakes.

But if they really understood the Revolution, they wouldn't be planning to push it so hard.

Two hundred years ago, this country was ruled by a repressive and unresponsive government which taxed the people, but served only the interests of a wealthy few.

The American Revolution was, above all, the overthrow of an entrenched establishment. The first American patriots risked their lives to realize the revolutionary idea that government ought to originate from, and serve the people. Make no mistake, theirs was a radical concept.

200 years later, the government they fought to establish will be teaming up with the corporations to spend a lot of money to convince us that nothing very radical happened back then. The Bicentennial planners will try to reduce the Revolution to a marketable style that reinforces their interest in a pacified America.

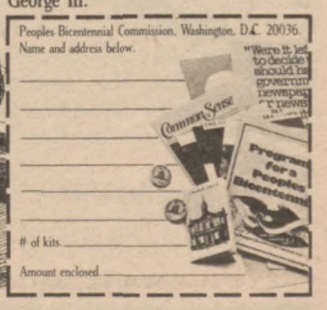
Who are the Tories of today? We think its rather clear.

The Peoples Bicentennial Commission is a non-profit group of non-sectarian people. We want to put the American Revolution back to work, and we think the time to do that is now. We're helping to plan a peoples campaign for the Bicentennial. A grass roots movement that can focus all of our energies into a force for decisive change in the 1970's.

The Bicentennial is our chance to raise the same questions that people like Molly Pitcher and Tom Paine raised 200 years ago. They joined together and made history. We can do the same, and make the most exciting of times happen again.

We're asking you to join us. We'll send you a kit that can help you organize a Peoples Bicentennial in your community. It costs $7.00. Included are program suggestions and study guides, posters, pamphlets, buttons and our bimonthly newspaper which keeps you in touch with people doing the same thing in other parts of the country. Write to the Peoples Bicentennial Commission, Washington, D.C. 20036, or call 202/833-9121.

The second American Revolution. It's a big task, but not as big as taking on George III.



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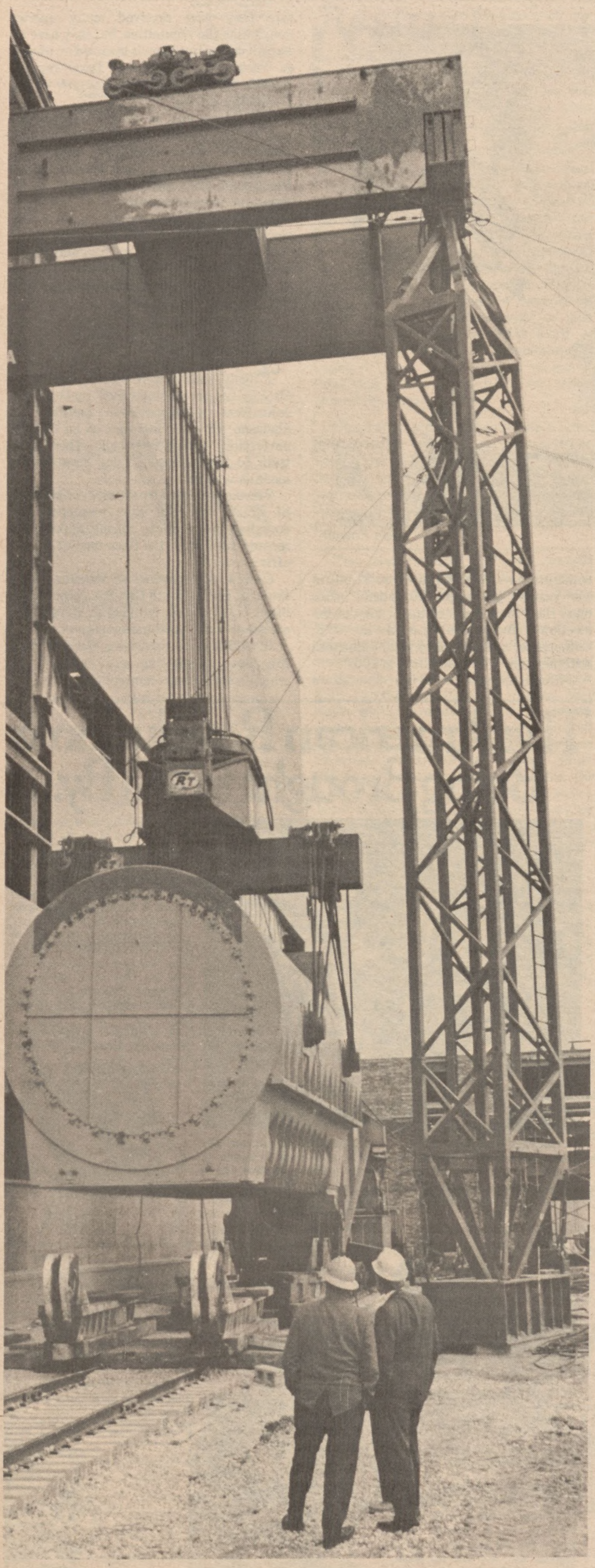

Who's behind the rate hike?

A major factor in the current controversy surrounding the requested rate increase by South Carolina Electric and Gas Company (see **Osceola**, August 10, 1973) has been the absence of substantial debate between utility officials and opponents of the increase.

Officials for the utility, which services metropolitan Columbia, Charleston, and much of the eastern half of South Carolina, claim they need an increase of 13 per cent on gas and 22 per cent on electricity so they can finance improvements and expansions to combat the much-heralded "energy crisis." But that is about all they are saying.

Tom Turnipseed of the South Carolina Taxpayers Association and other consumer activists have actively opposed the rate hike as unnecessary, citing such expenditures as public relations (mostly television and newspaper advertising), the maintenance of plantations and resort homes for entertainment and use by employes, and the high rate of return on SCE&G stock as evidence that the utility firm already receives ample profit.

Additionally, the opponents have brought attention to what they consider a more crucial issue, that of who controls SCE&G, who owns it, and how that ownership relates to the individual consumer in South Carolina.

Dealing with the utility firm has not been fruitful for Turnipseed, other groups opposed to the increase, or the press. SCE&G spokespersons, under the direction of public relations chief Rudy Coward, have sought to keep the debate (such as it exists) out of the public arena. SCE&G officials in a position to speak authoritatively about the rate increase have avoided entering the public fray, showing up occasionally to make a speech to a local Rotary or Sertoma Club.

The utility's strategy is obvious. It takes two to tangle and if SCE&G doesn't enter the ring there won't be a fight. Attorneys for SCE&G will present their case at the Public Service Commission hearing in October, but not until then. (The rate hike is already in effect, though it is being challenged now in the courts. SCE&G must obtain approval for the increase in October, or refund the difference in rates to each consumer.)

Public Service Commission hearings are notorious for their technical gibberish, unintelligible terms, lack of imput from citizens, and the fact that the PSC rarely rejects requests, usually rendering the hearings superficial.

Thus the following deposition is a unique opportunity for the public to examine the issues and two of the central characters involved in the conflict. Last Thursday, in the law offices of attorney Hemphill Pride of Columbia, SCE&G President Arthur Williams answered questions posed by Turnipseed. The deposition, a statement under oath, which resulted will be used in Turnipseed's pending suit to have the temporary rate increase declared unconstitutional. Williams, who has been unavailable for interviews with **Osceola**, was extremely candid and answered a wide variety of questions served by Turnipseed.

Some of the highlights of the text concerned the following:

-- The amount of SCE&G stock owned by Northern banks and securities interests, and what pressures those interests bring to bear on Williams and SCE&G for rate increases. Williams admits that security analysts for the banks have told him they need a higher return on their investment.

-- The true rate of return on investment in SCE&G. Is it 7.08 per cent, as the company proclaims, or is it higher, 13 per cent, as Turnipseed says. "Why don't y'all publicize that figure more?" Turnipseed asks. "It's only the best in the United States, Mr. Williams."

-- Williams defends lower rates for volume users of electricity, despite the alleged energy crisis, because a certain amount of equipment is in operation, and if it is not used, it costs SCE&G money.

-- Williams also defends the expenditure of about $500,000 a year for advertising.

The text of the deposition has been abridged slightly, omitting minor remarks not pertinent to the rest of the text. Parts of what is printed here are not integral to the controversy, but we were reluctant to edit them in the interest of presenting the exchange as accurately as possible. We feel that the deposition is extraordinarily helpful in understanding the strategies which Turnipseed and SCE&G are using to further their own ends.

Dick Harpootlian

Turnipseed: Mr. Williams, will you please state your full name?

A: Arthur M. Williams.

Q: Date and place of birth?

A: Charleston, South Carolina; September the 26th, 1914.

Q: Where do you presently reside?

A: 861 Abelia Road, Columbia, South Carolina.

Q: Would you please summarize your educational and employment or business background?

A: All right. I went to the city schools of Columbia, finished Columbia High School in 1932; attended Clemson College, where I got a B.S. degree in Textile Chemistry. I went in the regular Army and went to numerous service schools, then I came to the University of South Carolina Law School, and I received a Bachelor of Laws degree in 1942, which has since been changed to a Juris Doctor degree. And that's basically my educational background.

Q: What about your employment background?

A: Well, I was in the regular Army from about '37 to '38, and I practiced law briefly when I got out of law school, then I went in the Army and retired—

Q: Did you practice here in Columbia?

A: Yes, right here in Columbia. I went back in the Army and was retired because of a physical disability, a leg injury; and then I went with the Office of Price Administration as Chief Price Counsel for South Carolina. And then in 1944 I went with South Carolina Electric and Gas Company, as Personnel Director, and in about four years I became Staff Counsel, and then General Counsel, Senior Vice-President, and then President roughly six years ago.

Q: When you began with South Carolina Electric, was the name South Carolina Electric and Gas Company?

A: Yes, it was. It seems to me it was changed sometime back in the Thirties from Broad River Power Company.

Q: With respect to your present position with the company, would you please state your present rate of gross pay for each year, sir?

A: The salary I receive is a hundred and three thousand dollars and some odd hundred dollars; I'm not sure.

Q: Do you have any other income-generating activities that are corollary with your position there?

A: You mean part of that position?

Q: Yes, sir.

A: No.

Q: Do you belong to any trade, business or professional associations or other organizations created to further the business or professional interests of its members?

A: Yes. I'm a member of the American Bar Association, the Richland County Bar Association, the South Carolina Bar Association, the South Carolina Bar, the Edison Electric Institute, the Southeastern Electric Exchange. Mr. Turnipseed, those are all I can recall. May I ask counsel if he can think of any I can't think of? (Confers with counsel.)

Q: You don't need lawyer. You seem like you're a good lawyer yourself.

A: A lawyer has a fool for a client if he represents himself, you know.

Arthur Williams

Tom Turnipseed

OFF-THE-RECORD DISCUSSION

Q: Mr. Williams, could you tell us what social and fraternal organizations you belong to?

A: I assume you don't mean college fraternities I belonged to when I was in college.

Q: Do you still belong to them? If you do, yes.

A: No, I don't pay dues or anything like that.

Q: No.

A: Well, I'm a member of Forest Lake Club; I pay those dues. Wait a minute; no, I don't; I don't pay all of them. I'm a member of Forest Lake Club. I'm a member of the Columbia Club.

Q: The Columbia Country Club?

A: No—I don't mean the Columbia Club.

Q: Palmetto Club?

A: Palmetto Club, yes, sir. Palmetto Club, Forest Lake Club. There are various things like the Cotillion Club that I belong to, which dues I pay; those are personal. Do you mean those?

Q: What I mean is, first of all, which ones you belong to, and then, the main part, is how much does the company pay.

A: All right.

MR FOWLES: It's restricted to company-related?

Q: (By Turnipseed) Yes, in other words. I think counsel is exactly right. It would be irrelevant to any organization you belong to, social or fraternal, that you pay yourself. That's absolutely irrelevant to these questions. I want to know the ones that the company pays whole or in part, the dues for.

A: All right. Forest Lake Club, dues; Palmetto Club, Summit Club, which is not in operation yet.

Q: That's the one on top of the Bankers Trust building?

A: Right. That's it.

Q: As president of the company, do you know—and of course, the company approves the dues, I guess-I don't know how you do it, through Board meetings and so forth--as far as other officers of your company or members of the Board, clubs they would belong to that dues are paid by the company?

A: As a matter of practice, we don't pay any director's dues in any clubs except the directors who are also officers of the company. You know, some of the officers of the company are members of the Board, five. Twelve members of the Board are not employees of the company.

Q: Y'all don't pay any of those?

A: No; we pay none of those.

Q: Such as Mr. (J.B.) Guess and those?

A: Yes. Mr. Guess and (J.E.) Schachte and like that; we don't pay any of theirs.

Q: Who would that be, now, the officers of your company?

A: There's me. Allan Mustard, Virgil Summer, Joe Fritz, and Oscar Wooten; those five. Not Joe Fritz; he's not on the Board. I'm sorry. Oh, Mr. (S.C.) McMeekin, Chairman of the Board, and me. Allan Mustard, Virgil Summer, and Oscar Wooten, those five.

Q: Do you know what clubs they're in, sir?

A: No. I can't answer in detail. I know that some of them belong to the Palmetto Club; some of them belong to Forest Lake. I mean I just know this generally. I don't remember specifically which clubs they belong to.

Q: What about people a little further down the corporate structure, such as the public relations people? For instance, Mr. Coward (Rudy Coward, an SCE&G PR man); would he be a member of some of these clubs, with dues paid?

A: Rudy is a member of the Palmetto Club, I know. Other than this I do not know. He may, but I just do not know.

Q: Could you tell me what your company pays, total, in these dues, in Public Relations, to the Palmetto Club, annually. For instance, last year?

A: I couldn't tell you. I mean I just don't know. We can furnish you the figures. I just don't know it.

Q: If you would, I'd appreciate it. Do you have any idea, or could you tell me, what your dues are to Forest Lake Country Club?

A: It changes do often, Mr. Turnipseed, it's a little hard for me to remember. I believe the dues to Forest Lake are forty-one dollars a month. I believe that's correct.

Q: Do they have assessments, too?

A: They had a building assessment several years ago, which we pay off at twenty dollars a month, I think.

Q: I remember like in a fraternity in college, you know, you pay your dues and then they come along and always something extra.

A: They had a building assessment. That's the only assessment they've had at Forest Lake.

Q: What about when you take guests out? That's paid not as a part of your dues?

A: You have to pay that.

Q: Do you have an expense account with the company to pay this?

A: If it's business related. I mean if it's a business guest. If it's a personal guest, I pay it.

Q: I think I already asked this question, about your total expenses in regard to clubs and fraternal organizations for the year 1972.

A: I do not know that offhand. If it's a relevant figure, counsel can get that to you.

Q: Yes, it is, I think. MR. TURNIPSEED: Not only for Mr. Williams, but also for members of his Board that he's testified to, about the clubs they belong to.

Q: (By Turnipseed) I haven't seen it myself, but I'm informed that "Who's Who In America" says you belong to fourteen country clubs.

A: I saw that, and I've been trying to find out what fourteen country clubs they are. I belong to one country club and don't have much time to get out to that; that's Forest Lake.

Q: Maybe the PR man is trying to build you up.

A: It could be.

Q: You have to watch these PR men.

A: Maybe he's trying to get a raise.

Q: With respect to the stock you own in SCE&G, that you own personally, did you buy it on the open market, or do y'all have some kind of debt?

A: I'll explain that.

Q: Yes, sir, if you would.

A: I own about two hundred and some share of stock, which I bought on the open market. What happened, I bought some of that stock to go on the Board of Directors. It's a requirement that a Director must own a hundred shares. After I had bought this stock, it split; and of course, when you sell more stock, under the former statute, we had to give pre-emptive rights. Under the new statute we don't, the business statute. And I got some additional stock. I think it's about two hundred and forty shares, offhand.

Q: What about as President of the company?

A: Well, I'm going to go into that.

(Continued on next page)

(continued from previous page)

MR. FOWLES: He isn't finished.

Q: (By Turnipseed) Excuse me. I didn't mean to interrupt you.

A: We have a plan which is available to all employees, it doesn't matter who you are. You can put in certain percentages of your salary, up to six percent, and the company matches it, now on a one-for-two basis. That money is paid to the Trustee. The Trustee is the First National Bank in this particular case, and they buy the stock—

Q: The Trustee for what, now?

A: The stock purchase plan.

Q: For your entire company?

A: The entire company. And they buy the stock from the company at the end of every month, at the average price on the New York Stock Exchange for the closing of each day for that month. And then each employee who is participating in the plan, that stock is prorated to his account. The classes start on July the first; that's when you can start participating; and run until the end of the following June. When your class closes, on the last day of June—I never can remember whether it's the 30th or the 31st, whichever it is—you cannot get the stock for three years. At the end of three years, the stock is given to the employee who bought it. The Trustee meanwhile takes the dividends and buys additional stock for your account, and at the end of three years it becomes your stock. The alternate plan is to just leave it there until retirement, only you don't get it till you retire. I've got mine under that plan.

Q: Well, is it a fair figure, according to y'all's annual report, you've got it listed that you've got fifteen hundred and thirty-four shares?

A: It's a little more than that, but—

Q: It would be now, but this is as of, I think—it says here "Year ended December 31st, 1972." Mr. Williams, I believe you testified in answer to the last question that the First National Bank of South Carolina is the Trustee for your company's—what do y'all call it?

A: Stock purchase plan.

Q: Stock purchase plan. Do you know how much common stock in your company the First National Bank owns?

A: No, I don't. I don't know that they own any.

Q: Well, according to the report—this annual report on file in Washington, I guess it was, they own one hundred and fifty-nine thousand eight hundred and fourteen shares of common stock of South Carolina Electric and Gas Company. As President of the company, you didn't know this?

A: No. I don't know one way or the other. We have twenty-three thousand stockholders, and the stock changes from day to day.

Q: But certainly, a bank owning or holding in trust this many shares of stock, and you being President of the company, you'd know something about it,swouldn't you?

A: No, I would assume that they have to buy this with the stock purchase plan.

Q: Common stock is all stock purchase plan stock?

A: No, but I would assume that a lot of this is stock they have purchased for employees in the stock purchase plan.

Q: Did you know that Mr. McMeekin and Mr. Smith and Mr.—who's the other one?—are on the Board of the First National Bank?

A: (D.B.) Wooten. Yes, I know that.

Q: And you're on the Board of the South Carolina National Bank?

A: Correct.

Q: Did you know that, or is it a fact that the First National Bank is the seventh largest stockholder in your company?

A: I don't know that they are.

Q: Of course, these figures do come from a report filed with the Federal Power Commision, filed December 31st, 1972, and it lists, and I want you to confirm this, as President of the Company, Cede and Company, which is a holding company for the New York Stock Exchange, has got four hundred thirty-one thousand seven hundred sixty-two shares, in trust or—maybe all in trust; I don't know; as trustee. Maybe some owned outright, but they're listed as the trustee-owner or owner, period. Manufacturers Hanover Trust Company of New York City has got three hundred and seventy-one thousand eight hundred and eighty-eight shares, and they hold through Sigler and Company, a holding company. Thomas and Company is a holding company for First National City Bank of New York, three hundred and three thousand three hundred and twenty-three shares. Douglass and Company, of New York City, two hundred and eighty-four thousand one hundred shares. Cudd and Company, holding for the Chase Manhattan Bank of New York City, two hundred and forty-four thousand seven hundred and ninety-three shares. And then Teachers Retirement System of Texas, one hundred seventy-seven thousand, two hundred and forty-eight shares. First National Bank of South Carolina, one hundred fifty-nine thousand eight hundred and fourteen shares. Lynn and Company—doesn't say who they're holding for, maybe it's just themselves—a hundred and fifty-seven thousand shares. Mutual and Company, holding for th Continental Bank of Chicago, a hundred ar. thirty-five thousand shares. And Harvard and Company, holding for the New England Merchants National Bank, one hundred and nineteen thousand five hundred and thirteen shares. Being the top ten stockholders, a total of two million three hundred and eighty-four thousands four hundred and forty-one shares. Do you know other shares outstanding, other than these? Do you know what the total number of common shares Y'all have issued now is?

A Roughly eleven million seven hundred thousand, something like that.

Q I was reading in the newspaper about an address you made to the Richland Sertoma Club, and you were quoted--you know, the newspapers misquote people a lot of times-that the people that were either the trustors, you know, the people that put stock in trust, which isn't always synonymous with the beneficiary, were the people like you and me. What did you mean by that, if that was the correct quote?

A Yes, that was a correct quote. What I meant by it was that many times the bank will buy stock for a trust investment portfolio. Or you may, for instance–well, let's make it me; say I should become *non compos mentis*, and a committee may put my estate with the bank as trustee, and they buy at trust, and that stock is in trust for me. Or I may die, and the bank would be executor of my estate, and they buy stock, and it should go to my wife.

Q From your knowledge of finances, and being the head of one of the big utilities of the United States, would you say that the people--either the trustors or the beneficiaries are people like you and me and that maybe their per capita income would be the same as the average South Carolinian?

A I'd say yes.

Q You'd say yes? Would you say that the average man over in Olympia (a small community in Columbia)---

A I have no way of knowing otherwise. For instance, a lot of that stock is held by-well, you listed Teachers Annuity there. That goes to the benefit of retired teachers.

Q In other words, you don't hav ivy, as President of your company, of records as to the actual owner of the beneficial interest of the stock in your company?

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A I suppose we could get them.

Q Do you have them here in Columbia?

A No. Do we, Jim?

Q The reason I wondered is because from this same newspaper article--I don't know whether, you know, the reporters, sometimes they get their facts mixed up-you went on to say that people like you and me were really the beneficials or official owners of the trusts the people that put the stock with these large concerns, and you also went on to say that there were many people from foreign countries that owned stock. Could you tell us some of those countries?

A Oh, well, there's some in England, some in Germany, there's some in France, I believe there's some in Japan, I'm not sure. Various countries like that.

Q To your knowledge, is there any stock owned by people from the Middle East?

A Not that I know of.

Q Not that you know of. Any owned by anybody from Saudi Arabia?

A Not that I know of.

Q Libya?

A Not that I know of.

Q The reason, one of the major reasons given in your application to the Public Service Commission is the fact that you say that you need more return for your investment. Is that true?

A That's correct.

Q According to one of your--I don't know whether it's your industry's magazine or who puts it out, but I think it's a publication, "Electric and Gas" something or other, but their figures say that in 1972 your company had the second highest rate of return of any electrical utility company in the United States on investment. Would you say this statement is true or false?

A I'll say I don't know. I didn't see the article, and I don't know what the rate of return of other utilities is.

Q Well, you have said that because of the low rate of return of the investors you need the rate increase. You must have some idea how you stand.

A Well, I'm looking at the fact that the earnings are off fifteen cents a share over last year at this time, and just the general state of the market. But I don't study other utilities particularly. I mean I study the neighboring utilities. I get some idea of what their stock is selling for. But I did not see that particular article to which you refer.

Q Of course y'all applied for the rate increase--when was it?

MR. FOWLES: May 24th.

Q (By Mr. Turnipseed) May 24th. The first time I read anything about the rate increase was I think you made a speech on Wall Street, I forget what the club was, but you said you felt like---

A New York Society of Security Analysts.

Q Sir?

A New York Society of Secuirty Analysts.

Q Where is that held?

A It's New York.

Q In New York? Do you ever confer with members of the trust departments of these holders of these large shares of common stock about the financial condition of the company and stock returns and investments?

A No. They're present at these talks, but we don't have conferences.

Q Well, do you ever discuss with them about their investments in your company and the stock and the return on the stock? Have you discussed any in the last six months with any of these officials of these banks?

A Those banks?

Q Yes, sir.

A No, not in the last six months.

Q In the last six months you've never talked--you're telling on the record here that you've never talked with officials of the Chase Manhattan Bank about their stock?

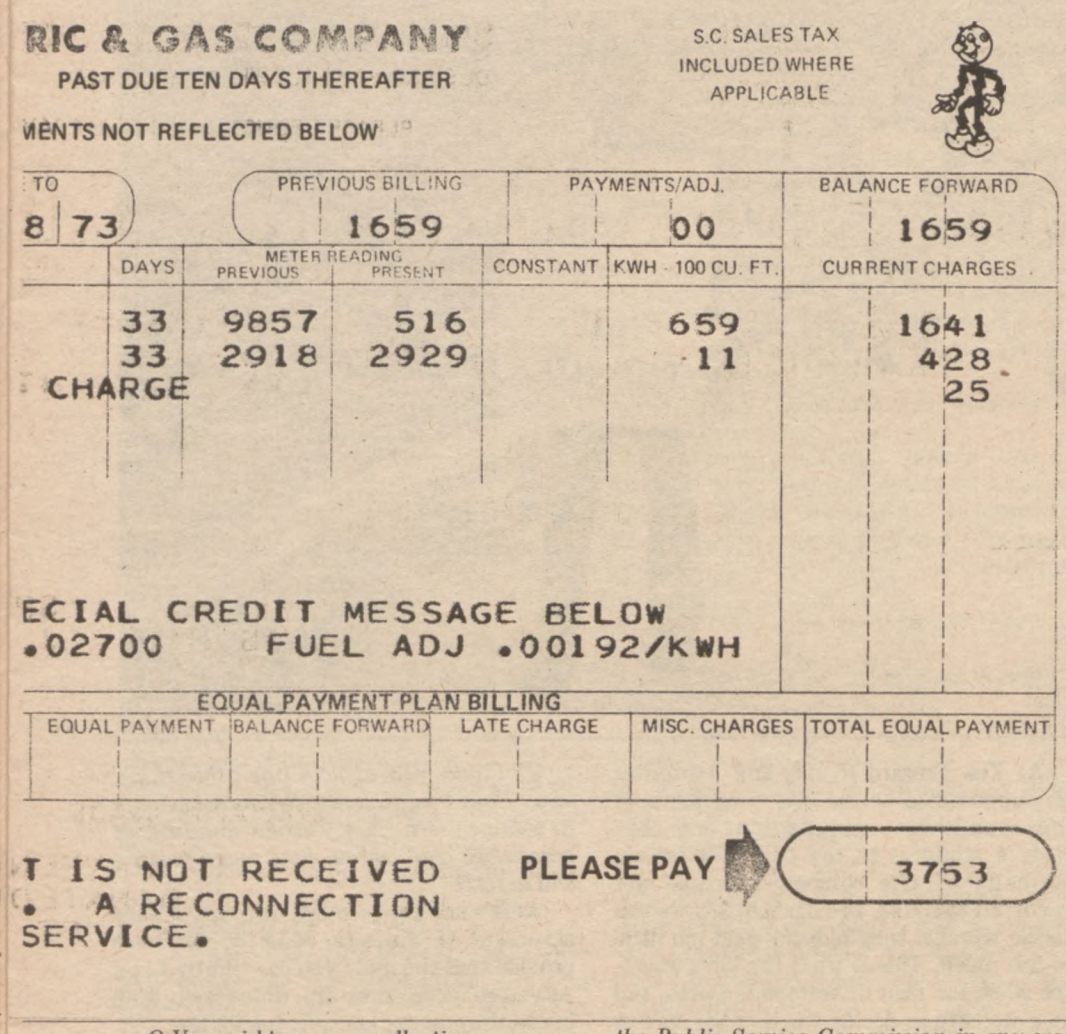
A Not to my recollection. Most of this is don with security analysts, who recommend the stock purchases.

Q Security analysts. Now, who do they work for?

A Well, they work for brokerage houses, and banks, and various companies.

Q But to your knowledge none of them work for either Morgan Guaranty and Trust Company---

A No, I didn't say that. I didn't say that.



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Q You said to your recollection.

A You said officials of the trust department.

Q Well, I beg your pardon. Officials of the bank. Either the Morgan Guaranty and Trust, the First City National Bank, the New York Stock Exchange, the Chase Manhattan Bank, or the First National City Bank. Take the top five (stockholders).

A I've dealt with so many security analysts in the last six months I'm not sure who they all work for.

Q Did they ever indicate to you that they felt like they had to have a better return on their investment?

A Almost continually.

Q Almost continually. Did you ever tell them that you were concerned about the rates already, with the cost of living in South Carolina with consumers?

A I told them I was concerned about that and the fact if we couldn't sell the stock we weren't going to be able to build the power plants to serve the people of South Carolina with electricity, and they expressed concern over us finding money to do it.

Q Did you ever point out to them that you already had, according to this magazine that you said you didn't know anything about, a real good rate of return on the stock already?

A No, because I don't think we do, in relation to other stocks.

Q When the decision was made to ask for the rate increase, was it made-how was it made?

A Well, it was made after a considerable number of conferences with our Financial Department, and discussions at Board of Directors' meetings.

Q Board of Directors' meetings?

A Several Board of Directors' meetings.

Q Had it been made before you made that speech in New York?

A No.

Q It was made after that?

A Wait a minute, now. I think it was made after that.

Q Let me ask you this: Has your company, directly or indirectly, through, call it, advertising, political, or anything else, ever paid any gratuities to any member of the Public Service Commission in any way whatsoever?

A Not to my knowledge.

Q Gratuities in the form of trips, paid trips?

A Not to my knowledge.

Q In the form of reduced service rates?

A No.

Q Are you an officer of the Energy Subsidiaries Corporation?

A Yes, I'm President of it.

Q Who else is on the Board of that company, sir?

A Mr. Mustard, Mr. Wooten, Mr. Summer, and Mr. Huggins. I believe that's all. And Joe Fritz.

Q Could you give me a capsule description of the purpose of the charter of the company?

A You mean the Energy Sub?.

Q Yes. Energy Sub, yes, sir.

A The purpose of the corporation is to acquire real estate and develop it.

Q For what purpose?

A For purposes of, basically, to be sure, as far as we can, that it's developed to the advantageous use of the electric customers and gas customers, and, of course, to make profit, which will go back into the rate base of the company, of the parent company.

Q Does Energy Subsidiaries--Energy Sub, as you call it--or SCE&G, the parent company, own a house and lot at Fripp Island--not Fripp Island; I beg your pardon.

A Isle of Palms.

Q Isle of Palms.

A I don't think we do now. I believe that house and lot was bought under our plan--when we move an employee from one area to another, we help him out with his home, by buying it at the appraised value and then selling it. Most big companies do this when you move employees from one area to another. And I believe that was the house involved.

Q How long did y'all own it? Do you know?

A I don't know.

Q I didn't understand that. Is this a place for people to stay in Charleston as they're moving, or----

A No. It's like an employee lived there-I don't know who the employee was or where he moved, but the man had a house and lot there, say, and we were going to move him to Columbia. We'd give him the opportunity of selling the house himself, or we would buy it at the appraised value and we'd sell it, take it off his hands. And that's how that house, as I understand, came to be bought and owned by the company. I believe it's been sold.

Q When was the Ramsey Grove Plantation bought, down at Georgetown, or Georgetown County?

A That was bought by the parent company, I believe, about fifteen years ago.

Q Before you were--you were on the Board, but you weren't President?

A I think I was on the Board. I'm pretty sure I was.

Q What is it used for, sir?

A It's used essentially for business entertainment.

Q What about the Muller Estate, in Richland County up near Blythewood?

A That was bought for development, for real estate development, because we thought that I-77, the one from Charlotte, was going near ther, we thought, and I still think so. It was bought for real estate development.

Q What about the cattle that were bought out there, the purebred Hereford cattle bought from Mr. Stephenson? What was the purpose of those?

A Well, the purpose of those was--they were bought because it was felt they could be put out to pasture and used.

Q Wish I had some now.

A Don't you, though. And when I found out about it, I made them get rid of the cattle. I didn't think that was a proper investment.

Q You don't own the cattle now, the company doesn't?

A No.

Q How long ago did you sell them?

A Around six months ago. I'll stand corrected. We're in the process of selling them.

Q Have you sold any yet?

(OFF THE RECORD DISCUSSION)

Q (By Mr. Turnipseed) What about the purchase of personal property on the place, that's listed at the Courthouse down here, antiques?

A Well, it was a house and the furnishings. They're still there, as far as I know.

Q Were y'all thinking about renovating the house and selling it? I can't understand real estate development involved with a house.

A Yes, we're thinking about doing that.

Q Is there anything else the Muller Estate is used for? I call it that; that's the previous owner.

A Not that I know of, Mr. Turnipseed. I've given specific orders that nobody be allowed to fish or hunt or anything else on the place.

Q Well, don't officials of the company hunt there or fish there or take guests there?

A They'd better not. I've given orders that nobody do it. I've never been to the place. I've looked at plats and maps to see the location and seen pictures of it.

Q In regards to Energy Subsidiaries, is there anything to do with energy and the production of energy and the servicing of energy with their land purchases, you know, the purpose objective of the company?

A Well, only that the land owned by Energy Sub in almost every case will be served with electricity by the parent company.

Q So Energy Subsidiaries, its main purpose--when you talk to the stockholders and all, how do you explain its purpose to them?

A Very simply. Our company has been in the business of handling land, as most utilities and most big companies, for many years. There's a place in Charleston referred to as Faber Place, which the company has owned since before we purchased what was then the South Carolina Power Company. I think we've owned it since 1928. The Faber Place we developed as an industrial park, to bring jobs to Charleston and, of course, incidental to bringing electric loads to our lines.

Q Is that what they call Bushy Park?

A No; I'll get to that in a minute.

Q Excuse me; I'm sorry.

A This is up towards North Charleston, north of Dorchester Road. And there are several big industries in there. Most of that land, I believe, we have sold. We still have some for a substation. That's where our propane gas storage in the Charleston area is, and the line crew headquarters there. And then we purchased Bushy Park; that's what you're talking about. That's up on the Cooper River, and it's bounded by the Cooper River and the Black River, which is basically a tidal estuary. It's now fed by water coming down from the Santee-Cooper Lakes, through a diversion canal. So the company has been handling land like this for years, and the Energy Subsidiary was just a normal vehicle to put all this land in so it could more easily be handled.

Q What about that Wando place? Where is that? The one that was bought from Georgia-Pacific Company recently.

A I don't know anything about that.

Q They call it the Wando--the Wando Company sold it, I think.

A I don't know anything about that.

Q I just read about it in the newspaper. Now, I'm not an expert, of course, on utility rates, on how they're figured, and rate of return, in regards to the Public Service Commission, but as I understand it your rate of return is seven point oh eight?

A It's a little over seven.

Q Could you tell me, as a layman, how that's determined? I mean just in general figures, what your rate of return is, sir.

A Well, what you have to do is take what they call the rate base. This is all the property used and useful in electric and gas service, such as the generating plant and things like that. And this---

Q All used in producing and servicing?

A Used and useful. And this is the rate base. Now, it sounds simple, but it's real complicated, of course, to determine what a rate base is, what's used and useful and what the value is. I mean this is where a lot of the arguments come, as to what this plant is based on. The rate base used to be based--I think *Smythe v. Ames* was a case that originally declared it on the basis of reproduction cost new, less depreciation. When a case was handed down by the Supreme Court just prior to World War Two, the Hope Natural Gas case, they permitted the use of original cost, less depreciation. And rate bases now are generally figured on original cost or reproduction cost new or, the third way, the end result, the necessary amount of money to run the company, give a fair return on investment, and give good service to the customers. So once you get through all this and determine----

Q That's your rate base? Then how do you determine your rate of return?

A Then you have to take the total income, the total allowable expenses-some are not allowable--and after you deduct the nonallowable expenses, this is the amount and once you get to this point, it's a simple mathmatical calculation.

Q So you divide the income into the rate base and get seven point oh eight? Is that the way you do it?

A I was always a little hazy on which you divided, but basically that's it.

Q: What about the money that's taken from the parent company and put into

(continued on next page)

(continued from previous page)

Energy Subsidiaries to buy land? Where is that figure in this, or is it?

A: Energy subsidiaries pays this parent interest on that money. They pay the parent interest on that money. I would assume that would not go into the rate base, not at this point.

Q: What about the other expenses we talked about, such as fraternal organizations, and let me add a couple more—the PR, the legal fees, and things like that. The legal fees; take that, for instance.

A: Well, I think legal fees are, I'd have to say, a very definite and necessary expense.

Q: But that's figured into the rate?

A: Expenses.

Q: Energy Subsidiary isn't?

A: I don't think so.

OFF THE RECORD DISCUSSION

Let me amplify that, Mr. Turnipseed.

Q: (By Mr. Turnipseed) Yes, sir.

A: Sometimes certain expenses are controversial and the company puts them what they call below the line. This means the stockholders pay for them. They're not charged against the rate of return, or the rate base or whatever you want to call it. I'll give you an example of that, since it's now long past, or past anyway. When the company was engaged in fighting public power so hard, years ago, the Federal Power Commission said those ads were not an allowable expense, and those are what we call below the line.

Q: Well, wouldn't it be true, though, that most of your revenue, if not all of it, comes from the consumers of SCE&G?

A: Oh, yes, most of it, sure.

Q: About all of it, doesn't it?

A: Yes.

Q: How do the stockholders pay for it? You mentioned the stockholders.

A: Well, simply that if you allowed—you used the term seven point oh eight percent. If you put too much expenses below the line, your rate of return—it comes out of that, and it's going to fall.

Q: What about putting it above the line?

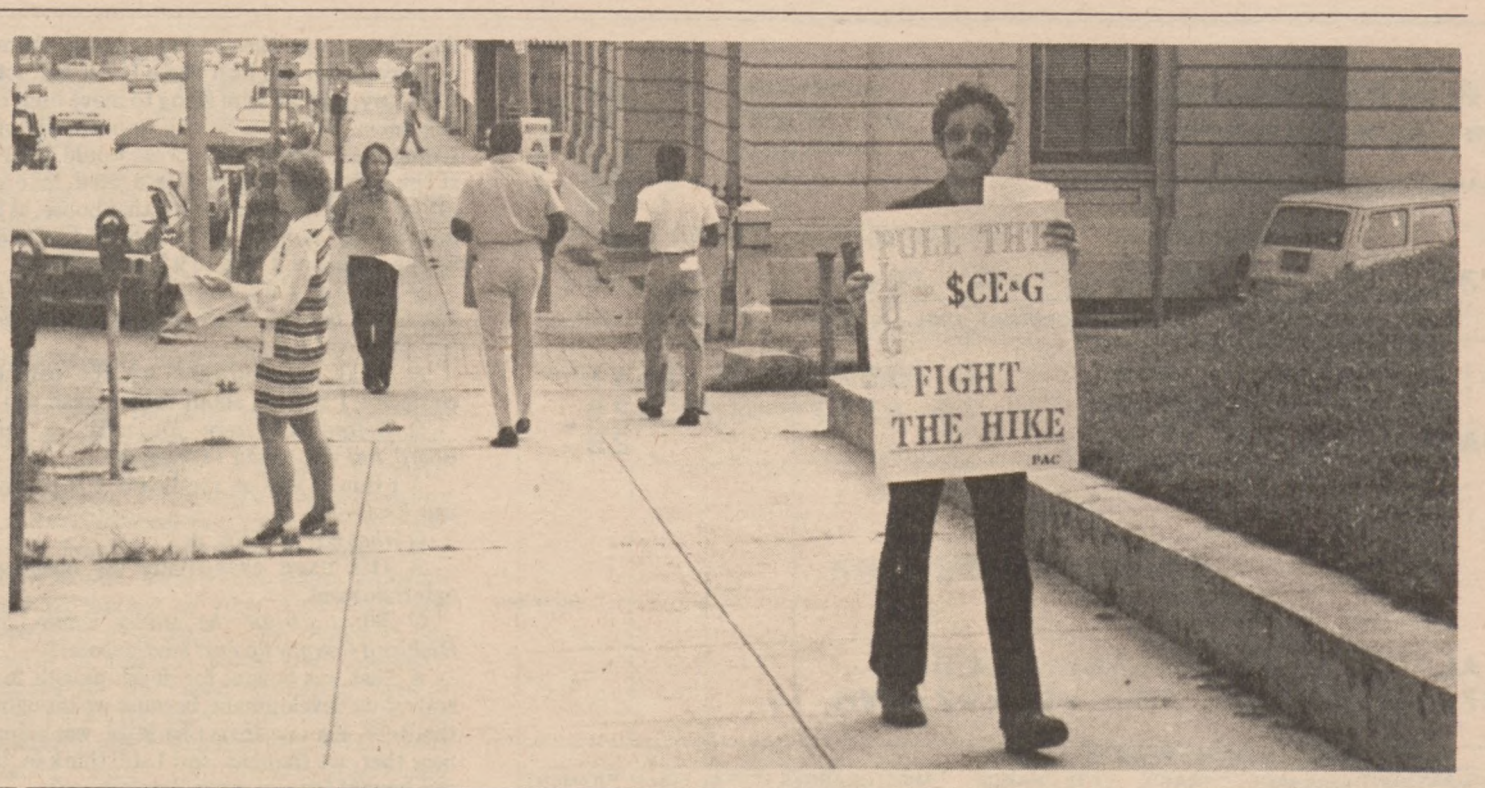
A: Well, of course if you put it above the line, it's an allowable expense.

Q: See, when the average layman like me reads that seven point oh eight return I'm thinking that, you know, is the return on your investment, but I found other figures that say the return on your investment is more like thirteen percent.

A: No, that's not true. What you've got in mind is return on equity. This is return on the whole investment. You see, the investment comes from several sources. It comes from debt and equity, common equity, and preferred equity.

Q: I just want to talk a little bit about these legal fees. Now, they're figured in the rate base, the rate of return. Here's one legal fee last year, paid to the firm of Blatt, Fales, and Peeples, in Barnwell, a total of twelve thousand five hundred and twenty-two dollars. Are you familiar with that?

A: No, I'm not.



Q: I'll let you look at it. Excuse me. I don't quite understand it myself, I mean all those other little titles there. I gues that's the expenses and so forth.

A: Those are work orders. You see, when we pay anything, it's got to be charged against something. Our accounts have to be kept in accord with the Code of Accounts of the Federal Power Commission, and it's got to be charged against the appropriate account. So if, say, a man gets in a wreck with a line truck and sues us, which I assure you, they do, and we pay the local lawyer who handles that case a fee, that's charged against that particular work order, or account, as the case may be.

Q: Well, this particular one, I guess that some of these are expenses, but the total payment to Blatt, Fales and Peeples of Barnwell, was twelve thousand five hundred and twenty-two dollars?

A: It could well be true. I don't know.

Q: Of course, I'm reading from the Federal Power Commission report.

A: Then it is true.

Q: All right, and then another one, Robert E. McNair was paid twelve thousand dollars. It doesn't give his firm; it just says Robert E. McNair, Jefferson Square. Are you familiar with that payment?

A: Yes, he's done a lot of work for the company.

Q: Berry, Lightsey, Gibbes, and Bowers, eighty-five thousand seven hundred and ten dollars.

A: They've done a lot of work for the company. I'm not familiar with the exact figure, but it sounds approximately right. And, as you say, if they're in there, they're the truth.

Q: Edward N. Hay and Associates were paid twelve thousand two hundred and twenty dollars. Are you familiar with what they do?

A: Yes. Edward N. Hay and Associates are supposed to be the best consultants in the country on compensation, and they made a study as to the jobs of a certain segment of the company's people and evaluated the jobs, and against this we can decide whether they're being paid too little or too much. This is what the job's worth, not what the man or woman is worth, and then we have to decide whether the man or woman is fulfilling the duties of the job.

Q: Who is—there is a consultant fee to I. H. Boinest of eighteen thousand five hundred and eighty-five dollars. Are you familiar with that?

A: Yes. Mr. Boinest was formerly head of the Right-of-Way Department, acquisition of rights-of-way and things of that nature. Like most right-of-way people, Mr. Boinest has a very unique ability, knows a lot of people, and knows a lot about the purchase of land, and when he was retired at sixty-five we kept him on as a consultant.

Q: What about the consultant fee to F.R. McMeekin of ten thousand dollars?

A: McMeekin was formerly Vice-President and General Manager of the company. He was in charge of most development—all the real electric development of the company. He was kep on as a consultant because of his knowledge of the operation of the company.

Q: What about this Rice and Associates, for five hundred thousand dollars?

A: Rice and Associates? Five hundred thousand dollars? Must be EBASCO. (Examines document) I assume that must be the environmental impact study for the power plant. I'm not detail familiar with it.

Q: Could you explain one other thing, away from this, your rate structure in regard to volume users. Have y'all got some sort of percentage discount on how much you use and so forth?

A: It's not a percentage discount; it's the structure of the rate. Most of the rates provide that the more you use—it's by steps. As you go down, as we say, which really is up in use, the cost per kilowatt-hour is less.

Q: Why do y'all do that? What's your justification for that?

A: It's a question of load balancing. You see, when you have an investment to serve a customer, that investment is there, and it's costing the company money. Part of the generating plant is dedicated to him—in effect dedicated to him, not really, of course—the lines or substations and whatnot. And if you've got, say, twenty kilowatts dedicated to him, and all the lines and capacity to get to him, and he uses one kilowatt hour, well, that kilowatt installed capacity costs around a hundred and thirteen dollars, say, a kilowatt; that's what, twenty thousand dollars, something like that. And he uses one kilowatt-hour. But if he uses a hundred kilowatt-hours, he's paying you more for that investment than if he uses just one. Of course, his bill is going to be higher. This is what a lot of people don't understand. Just because the cost per kilowatt-hour is less, that doesn't mean the more you use, the less you pay.

Q: Well, how does all this figure in with this energy crisis? Why do you want them to use more?

A: Because we have to have the capacity there for them, and once you put the

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capacity there, you've got to pay for it. Now, if he uses twenty-four hours a day, it's not going to increase the amount of capacity you've got to have. And if he uses one hour a day, that's sitting there idle, because you've still got to have the capacity there for everybody. What this does is decrease the cost of that investment, which is to everybody's good, because if you've got two hundred million dollars worth of plant sitting idle, somebody's got to pay for that. I mean the people who are using the whole system have to pay for it.

Q: I, of course, have noticed some of your advertising about encouraging people to use more of the product, you know, talking about the fluctuation and so forth, and you have to make a decision once a year about contracts, I guess, for oil and fuel and things like that. I guess it's a matter of business projection, figuring out how much you're going to need for the coming year.

A: Well, it's not quite that simple. We basically have to project these needs about seven to ten years, and then, of course, we redo them every year. It generally takes about seven years to build a plant.

Q: Well, doesn't all this thing in reality just finally increase your rate base a good bit?

A: No, it doesn't increase the rate base at all.

Q: It doesn't?

A: No. The rate base is there. That's what I'm saying. The rate base is there, and if he just uses one hour a year, we've still got to have it there for him. But if you use it eight thousand hours a year, it doesn't increase the rate base.

Q: Mr. Wooten was quoted in the paper—I think Mr. Hugh Gibson (The Charleston News and Courier) interviewed him, and I said something in a press conference about I felt like that your advertising campaign just prior to your requested rate increase was trying to prepare the mind of the public, you know, for it—these billboards about cutting off the light switch and encouraging housewives to save energy. He said, according to the paper, you spent five hundred thousand dollars for this. Do you have any idea how much was spent for this special advertising?

A: Actually, tjat was not for that one thing. That's the approximate budget for the Advertising Department, as I recall, Advertising and Public Relations Department, approximately that. And the reason for this is that the utilities were castigated back in the Twenties and Thirties for not communicating with the public, and we're trying to communicate with them. We're trying to show them—first we tried to balance the loads so that it would be cheaper per kilowatt-hour for all our customers, and now we're trying to show them how they can cut down on the use of electricity.

Q: Well, you're encouraging volume users, on one hand? That's what we're talking about?

A: No, we're encouraging off-peak use.

Q: Yes, in other words, you want them to use as much as possible, and you give the discount when they use more volume?

A: Off-peak.

Q: Why do you run advertising, trying to tell residential users not to use so much?

A: Well, because the public is demanding, all over the country, that we tell them how they can cut down on the use of electricity.

Q: Sir?

A: The public is demanding, all over the country, that we tell them how they can cut down on their electric bill, how they can cut down on the use of electricity.

Q: Let me ask you this, in regards to the present controversy: I think we've been afield; let's get right down to it. As I understand it, the rate increase went into effect under bond, pending the outcome of the hearing in October, on August the 12th.

MR. FOWLES: August 13th.

Q: (By Turnipseed) 13th. You get a day of grace. How will you determine what part of your customer's electricity was expended prior to August the 13th and how much afterwards, in regards to your new rates?

A: Well, that was a right complicated question, but I think we solved it the simplest and only way it could be solved.

Q: Do you want a piece of paper?

A: Yes. Let's say that this represents the 13th of August.

Q: And try to explain it for the record as much as you can.

A: All right. Maybe I shouldn't use the paper. The new rates went into effect on the 13th of August. Nobody will be charged at the new rate prior to that date. This means that as the meters are read, and they're read in cycles—

Q: Could you tell us when they'll be read?

A: Well, they're just read all during the month, in cycles.

Q: How can you tell, without reading them all on the 13th?

A: That's what I'm getting ready to tell you.

Q: Oh, excuse me.

A: We will not start charging any customer the new rate until his meter is read after the 13th. If a meter is read on the 13th day of August, he will not be charged the new rate until he gets his bill on the 13th of September.

Q: The new rate will start when his meter's read, or on the 13th of August.

A: When his meter's read.

Q: It won't start till his meter's read.

A: The service after the 13th. If this man's meter's read on the 13th, starting with that reading—not anything that happened before, but starting with that reading, when it's read on the 13th of September, that consumption will be billed on the new rate. Now, to go forward, if his meter is read on the 20th of August, he will not be charged the new rate for electricity prior to the 20th. He'll be charged the new rate from the 20th of August to the 20th of September.

Q: Yes. Let me ask you this, sir: In your application, Paragraph Five of your application for rate adjustment, you state, or your company does, "Applicant is informed and believes that the increased cost and interest requirements which have resulted in its present inadequate rate of return are likely to continue throughout the foreseeable future and will result in the situation worsening rather than improving unless the adjustments sought herein are allowed." Do you concur with that?

A: Yes.

Q: When you signed this undertaking on the bonding—I notice on the face of it, it doesn't really say what you pledge. You just signed your name. What do you pledge?

A: We pledge the credit of the company.

Q: The credit of your company.

A: And the assets, of course.

Q: Aren't they already pledged in mortgage bonds to Manufacturers Hanover Trust, as Trustee?

A: No. The assets of the company are eight hundered and fifty million.

Q: In other words, the remaining equity, you're speaking of? All right, back to one other thing. When y'all were determining about asking for the rate increase, your Board, did you have any lone distance telephone conversations with the people that work for these banks in New York and the New York Stock Exchange?

A: I didn't, and I know of no one who did.

Q: Sir?

A: I did not, and I don't know of anybody who did.

Q: But when you were up there—you previously testified that you talked with security analysts and some of them did work for these banks that owned stock?

A: Yes, I said I thought they did.

Q: And what did they say about whether or not you ought to have a rate increase?

A: They told me—and you speak of this one trip to New York. I have to go to New York quite often, about once a month. They have expressed considerable concern to me about the rate of return on the stock, concern about whether or not they would be able to continue to find the money over the next seven or eight years to build the plants to serve the people with electricity, and this has been going on for several months.

Q: Have you ever consulted with them about your Energy Subsidiaries and the money that goes over into it?

A: No.

Q: Their stock returns, dividends, overall equity in the stock, this is figured into it, isn't it?

A: Now, what's this?

Q: The Energy Subsidiaries transactions, the things that don't go into figuring your rate of return in regards to the Public Service Commission, the money that's taken from the parent company, SCE&G, and put into Energy Subsidiaries for land development, do you ever discuss that with the security analysts in New York?

A: Just in very general terms.

Q: Do they say that's good or bad to do that?

A: They think it's good.

Q: I see why. Do you see any conflict between serving your stockholders and serving your consumers here in South Carolina?

A: No. I don't. I think every business has three segments that are very necessary, and one is the people who put up the money to make the business, and that's the stockholders; the second is the employees that run the business; and the third is the customers. And I think all three are equally important. You can't have any one without having the other two.

Q: Got to have both.

A. Three.

Q: Do you foresee any people in South Carolina not being able to afford electricity because of this rate increase?

A: No, I don't.

Q: Let me ask you about this: There's a conflict to a layman, this seven point oh eight rate of return is what comes out in the papers down here, but you get to checking financial things, and I don't know exactly how you describe it, but the rate of return on the stock overall, the growth of the stock, and everything included, is something like between twelve and thirteen percent, according to the forms and this "Electric and Gas" people. Why don't y'all publicize that figure more? It's only the best in the United States, Mr. Williams.

A: Well, I don't know that it is.

Q: Well, according to the forms it is.

A: We make no secret about the return on common equity, and that's what it is.

Q: Well, isn't this what these men in New York are interested in, return on common equity overall?

A: Yes, it is, but you don't get a good return on common equity unless you get a return on your overall rate base, and that's the way utility rates are figured, because that's the whole package.

Q: Don't you think it would be more equitable to the people down here that read the newspapers if this whole thing were figured in the so-called rate base and put on the top line, all these other expenses for your Energy Subsidiaries, your country clubs, for all your advertising, to be put on the top line? Wouldn't that give a more accurate picture of the success of your company?

A: What do you mean by the top line?

Q: Well, as I understand, you divide into the top line. Y'all want to get more on the bottom line; I want to put you on the top line.

A: I don't follow your question.

OFF THE RECORD DISCUSSION

Q (By Turnipseed) Let me repeat the question for the record. The question is this: as I understand the procedures of figuring the rate of return for the Public Service Commission, which is seven point oh eight for your company, that the company in talking about the people at the Public Service Commission, wants to put more of these expenses--I don't know which ones, maybe the Country Club and the Palmetto Club-below the line, so when you divide into the top, which is all your assets and energy-producing and so forth, you come out with a lower figure over on the right, the seven point oh eight would diminish. Don't you think it would be a more accurate reflection of the success of your company if all of these expenses, including Energy Subsidiaries and the Country Club and Ramsey Grove and Muller Farms, everything we've discussed, were put above the line so rather tahn reflect seven point oh eight it would reflect thirteen or whatever it really is?

A To begin with, I don't follow your mathematics. If these expenses were put above the line, it would be less. We'd like to put them above the line, but we have to follow the uniform code of accounting which is prescribed by the Federal Power Commission. We have no choice. And if you put all these things above the line, this would show more expense on the part of the company.

Q It would show a bigger rate of return. You see, I read the papers, and they say, "Oh, we just have a seven point oh eight rate of return." That's what the PR people put out. But we read the books and we find it's thirteen, your overall return on equity and so forth. And so the people of South Carolina--don't you think it would more accurately reflect it if you had to divide into the total thing you're spending and come out with the larger figure?

A If we did that, it would show greater expenses above the line, and therefore we'd have to have higher rates to offset those expenses. That's why we put them below the line, so that they're not figured into the rate of return.

Q Do you try--does your company endeavor before the Public Service Commission to put more of these expenses for the Country Clubs and other things below the line?

A We follow the uniform code of accounting.

Q But don't you contend, in gray areas, to get more put below the linee?

A I want to be sure you understand that below the line are not charged to the ratepayer.

Q I think everything's charged to the ratepayer, Mr. Williams.

A Well, of course, you just said you weren't an accounting expert.

Q No, but I'm learning.

MR. FOWLES: Let me state for the record, I believe he's answered that. If my memory is correct, that's the third time he's answered that question. Now, Tom, let's move on, if you've got anything else.

MR. TURNIPSEED: I can't think of any other question. I want to thank you for coming.

A You're certainly welcome.

A REALISTIC APPROACH

The Pre-Trial Intervention Center

Photo By Ken Sturgeon, S.C. Dept. of Corrections from CORP Publication

By John Norton

Fifth Circuit Solicitor John Foard invited the young, heavy-set black man to have a seat in his courthouse office. "Carl," Foard said, "You've been asked to come here today because you've completed the Pre-Trial Intervention project and your counselors have recommended that the charges which were brought against you be dropped." Foard handed the young man a letter :

"I want to take this opportunity to commend you for successfully completing the Pre-Trial Intervetion Project," the letter read. "We are this day dismissing the charges against you for Grand Larceny and Possession of Marijuana ... This is to further advise you that you can use this letter of proof that there are no charges, in this office, pending against you as of the dateof this letter."

Foard produced two official-looking papers and explained to the youth that he was writing "dismissed" on each of them. "You realize of course that if you had been convicted of this grand larceny charge, you would have lost all of your constitutional rights, including your right to vote, your right to hold public office, you right to hold certain government jobs, and so forth," Foard asked. Carl nodded. "I don't know if you did it or not," Foard continued, "and I don't want to know. But if you had been convicted, you'd be paying until you're dead and buried, and I don't think that's fair."

Foard explained that he takes a personal interest in each Project participant -- but added that if Carl failed to keep his criminal record clear for a year, the charges would be renewed. "Today I'm your friend," Foard said, "but I can be the biggest S.O.B. in South Carolina when I'm trying somebody, particularly if we've already given you a chance."

Though the details are different in each case, this same basic tableau has been repeated over 100 times inFoard's office since the inception of the Richland County Pre-Trial Intervention Project (PTI) last September. PTI is a pilot program "designed to divert the non-hardened adult defendent, often a first offender, from the normal criminal justice process and to work intensively with him over a three-month period." The project is part of the South Carolina Comprehensive Offender Rehabilitation Program, an eight-pronged state plan developed under a U.S. Department of Labor grant during 1971 and 1972. The plan was drawn by Lee M. Thomas, now state coordinator of the Law Enforcement Assistance Program, and Frank Sanders, who now serves as Courts Coordinator with the PTI project. "What we did," Sanders says, "was devise some steps toward implementation of an ideal corrections system, and PTI was one of those steps." According to Sanders, the various projects were designed to divert the offender from the criminal justice process at "five critical intervention points: pre-arrest, pre-trial, pre-sentence, pre-institutional, and pre-release."

The Department of Labor agreed to fund PTI for an 18-month trial period, after which local funding will have to be found. "Columbia was the ideal spot for Pre-Trial," Sanders explains, "because of its large court flow. We ran into a lot less trouble implementing theprogram than we expected. Everyone,including the judges, the law enforcement people, and the solicitir, was enthusiastic about it. I guess the main character in the whole thing was Solicitor Foard. The solicitor is the only person in the criminal justice system who can actually dismiss charges against a person, and Solicitor Foard's the person who said "I'm willing to put my name on the line for the program." He's the one who dismisses charges,sand when things go bad—when people get rearrested—then Solicitor Foard can say, "Well, I made that decision."

Foard traces his interest in the program back 20 years. "When I came into this office in 1953, I was an assistant solicitor, and as time went one, I came to realize from my own experience that while we have a good judicial system, certain aspects of the criminal side are just antiquated—the system has just got to change. I tried in the past to do what we're doing now in Pre-Trial Intervention on a larege scale, but being just one person, I was limited in what I could do. And at times, it worrried me that I gave one person a chance and couldn't give a large group a chance.

"Let me pick out an example of what I'm talking about. There were three young men arrested one night some years go for stealing some automobiles. Two of them were under 17, which went into family court, andof course they came out without a criminal record, but the other one was 18. So I sent for his attorney, and when his attorney came in, he said, 'Certainly you're going to recommend probation for this boy.' I said, 'Nope, I'm not going to do that. I'm going to try something. I want you to bring the boy and his parents in and let me talk to them. I won't hold anything he tells me against him.' All right, this young man was supposed to go into the military just for a summer program—he was supposed to go up to Clemson University. So I made a deal with him and told him I would put him on my probation, which was unofficial, and after a given period of time, if things worked out, I'd tear his charges up, but if he violated certain laws, he'd probably go to jail. Well, to make a long story short on that subject, he went to their military training, and I got a report that ht led his class. He went to Clemson and he made the Dean's List his senior year—I think he's the one that did that. All right, he lives in Columbia today; he's married and he has children—he's a very good citizen. If I had taken him to court and put him on probation like his lawyer asked—well, larceny happened to be one of the crimes in this state where you lose your right to vote, your right to hold public office, your right to be a notary public, your right to go into the military, your right to hold certain jobs, plus people frown on you.

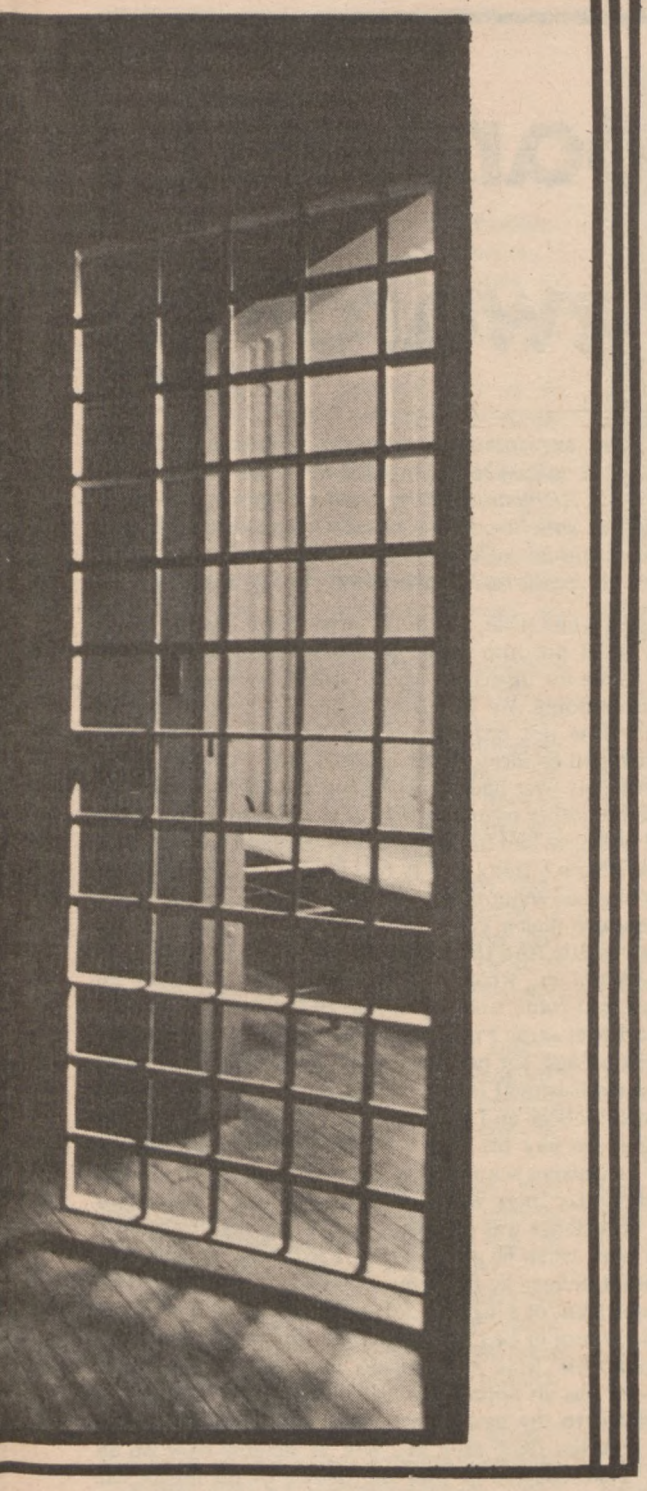
"As far as I'm concerned, everybody's a lot better off by his not going to court. He doesn't have this criminal record; he's a respected citizen; he makes a living for himself and his family; he contributes to the community. He can do anything any other citizen can do."

Though its procedures are considerably more sophisticated, the Pre-Trial Intervention Project has perhaps inadvertently adopted many of the methods and philosophical principles behind Foard's private rehabilitation system. PTI is set up in three component parts; the courts coordinator section, which screens applicants and moves them in and out of the program; the counseling section, which provides individual and group counseling directed toward "personal and social adjustment," and an employment section, which prepares participants for jobs through pre-employment classes and also helps them secure "quality jobs."

When the project was set up, it was designed primarily to serve first offenders charged with minor to medium-range crimes—the idea being that if such individuals could be reached before they were incaracerated for extended periods, their social patterns might be "readjusted". "Prison doesn't do anybody any good," Foard says. "All prison does is to turn out male prostitutes and give prisoners a good criminal education." Offenses which have thus far been excluded from the PTI program include crimes like arson, attempted murder or rape, molesting a minor, armed robbery, manslaughter, murder, and so forth.

The original PTI proposal divides the program into two parts; the adult section accpeting men and women 17 years of age or older, and a "pre-delinquent crisis intervention program" concentrating on adolescents between the ages of 13 and 16 who have not yet committed crimes but who are exhibiting some form of what the project terms "deviant behavior."

As with most experimental programs, adjustments have been made to adapt to unpredicted situations; for example, a separate drug offenders program was developed last April due to the overflow of drug offenders into the program (see related story.). Also, the pre-delinquent program has taken in several nine-year-olds and at least one six-year-old. The project is now accepting second offenders under certain circumstances, provided—according to Foard—that they have not spent more than one year in jail. "It's not that we don't want to help someone who's been in longer," he



explains, "but you have to limit your program if you're going to have an effective program." Foard says the program averages taking in about 30 adults and 20 children each month. This figure does not include drug offenders and other "special participants"—among whom are some offenders who are on probation or cannot have their charges dismissed, but who are able to take advantage of the project's counseling and employment programs.

Pre-Trial Intervention officials make the claim that eligible offenders are missed by the project. If a potential enrollee has not heard of the program or is not referred to the program by his lawyer, he or she will be uncovered through a regular system of jail visitation. "We go down to the jail two or three times a week," Courts Coordinator Sanders explains, "and talk to the folks down there. That's the main focus of our program—to get the disadvantaged and the underprivileged and provide them services, and that's really what we're geared for. So we go down to the jail and rap with them and see if they want to get into the program. Usually they do, of course. We tell them about the program, fill out an application, and see if they meet a certain objective standard. Of course, Solicitor Foard has to give the final approval, and he makes a subjective decision about letting them in."

"When they arrested me for grand larceny," Carl recalls, "I was unconscious in a bathroom. I didn't know how close to death I was. I didn't know I was even involved in the crime I was so high. We drove to the scene in my car, and I think I was out during the crime. The dude hopped in the car and said, 'Let's go' so I cranked it up. We took the stuff to the fence, man, and we got some money and we got some more drugs, man. I was doing junk at the time."

Carl's background is pretty much middle-class. He attended a parochial school in Columbia and then "although my parents really couldn't afford it," he was sent to a military school in Virginia for four years. He feels that rigid life there made him a little hungry for the street environment he fell into when he came back to Columbia. He finished two and one half years of college, but fell into the drug scene. His money started running out, so he and his friends began stealing and eventually got caught. At the time of his arrest, there was no Pre-Trial Intervention project, but a year later just before his case came to court, he was busted at Carolina Coliseum for possessionof marijuana. By that time, PTI was underway and despite his double-charge, the project directors agreed to accept him.

He has a lot of praise for the program. "The majority of counselors go out of their way to help you and to make the kids realize that they're not using them as guinea pigs, or using them as a model to see if the thing will work, but that it's get them out of trouble and help them get their heads together."

Lek all regular participants, Carl was assigned a counselor who worked with him to develop a "contract"—a mutual where he became involved in encouraging less enthusiastic agreement settiing out the goals Carl wished to accomplish while in the project. He joined a group therapy session enrollees to stick with the program. "The counselors do everything they can to keep from throwing you back to the wolves," Carl says. "But some dudes just won't cooperate, and they end up back in court."

(Solicitor Foard echoes Carl's remarks: "We'Ve had a few people who just—well, after they got in the program, they cancelled six or eight appointments. I mean, they just weren't cooperating at all. Now, if somebody fouls up and doesn't show up, even if they don't have an excuse, we'll put up with it maybe three or four or five times, but unfortunately, some of these people wouldn't conform at all. We had no choice but to prosecute them. After all, it is a voluntary program, and we told them they would have to do it on their own—that we couldn't be nursemaids to them.")

"The majority of the people who get into Pre-Trial Intervention don't want to go back to jail, man," Carl continues. "They know what it's like to eat that grits and grease in the morning and get out there and work all day for nothing. They're paying their debt to society more by going to Pre-Trial and staying in three months and learning all about themselves and what they can do in life.

"There are some people who come up there in pretty bad shape, man; take this girl I knew there—when she came up there, she was *shabby*. You'd take your dog to walk before you'd take her. And after three months, when they finished with her, she was looking *good*. She had a job, she bought her some clothes; she really kept herself up, man. If you'd seen her before and after, you wouldn't believe it. She wrote this certain counselor a letter which said, "Thank you for what you've done. You've made me realize I'm a woman." It's little things like that, man, that make it worth it to have a project."

Carl is now back in school working towards a career in counseling. "I've gotten straightened out. Like now, I'm to the point where I want to help other people, man, who may be going the way I went. I think that's what the project teaches us—that you're not in the world alone; that you do have people who care about you; it's not that the system is all against you. There are a few people who will try to help you."

Carl's success story is the dream of any rehabilitation program. But Carl did a lot of the work himself; at least that's the way Moses Newton, who heads up the employment section of pre-trial intervention feels.

"A guy with Carl's background and skills—I think we gave Carl something; I think he got something out of the program, but what I m saying is I think Carl had the ability to do it on his own. What really concerns me is a guy who is maybe 25 years old who has never had a meaningful job in his life and doesn't have any type skills, or his educational level is really low. I think it's as important as hell that we get to this type of individual and I don't think we're getting to enough of them now."

Newton's not sure why the program is not serving more socially-disadvantaged clients, particularly young people, but he says his seven-year stint on the police force and later job in the public defender's office indicates to him that "there are more people who are being arrested who are in this category that I'm talking about. But I'm sort of in the middle of the action. I don't know what, if anything, we could do to get more."

"My idea or my concept of how the program is supposed to be set up is that the project is geared to what we term the socially disadvantaged. Most of the people we try to focus on in the employment project are people with an unstable work background. What we try to do is sort of an introduction to the world of work; we try to teach these people responsibility; we try to teach them the basic skills of how to conduct an interview, how to react in different situations on the job, how to go about looking for a job, and we have pre-employment classes for this purpose. Then we try to locate a job of the client's choice. We try to match him up with that job. We will set up an interview and make that placement. We do have a follow-up period where we follow up with the employer for a period of 90 days which the enrollee or client is still in the program. If we've had a guy with a really unstable work history, we try to do an intensive follow-up for maybe the first two weeks to sort of get him stabilized in some way."

Newton offered an ongoing case as an example of how the program works with severely disadvantaged offenders.

"I've known this young dude here for some time," Newton explained, pointing to a case file. "He's nineteen and got picked up for auto theft. We came into contact with one another because he wasn't going to school, and I tried to get him to go back to school, but he never did. Both his parents are deceased. He got married very young to a sixteen-year-old girl—they ran away from home and got married. As a result of that marriage, they had two kids—one is one-year-old, and the other is two years old. At the school he was going to, he was in a special education class and he dropped out of that. As a result of this kid being arrested, the wife left him. Now, the typical thing is, she doesn't have any skills; she can't do a damn thing; so she had to go down to some motel and be a maid, because she dropped out of school and doesn't know how to do anything. She doesn't know how to take care of the kids properly.

Now, what we did with this kid is we came up with a service delivery plan for him. We made an assessment of this kid's needs and these are things we are going to try to do for him while he's in the program. Let me show you some of his work background—his work history. He had jobs like at a county garbage service. Those are what I term "junk jobs," because a guy can go to work for two or three days and receive a check and then he can layoff. The salaries are so low that you can't get the proper employees to work there; you know, somebody who's dependable and is going to be to work everday. The cat, he don't care about that; all he wants you to do is pick up the garbage and he's going to pay you at $1.60 an hour, and if you don't show up tomorrow, he'll go pick somebody else up off the corner. So it's one of those type jobs.

He had a pretty good job (with an installation company.) I don't know—he stayed there, like a week. Then he worked at X (a used car company). Now he's the type of kid who's never made enough money to buy a car, so he likes to be around cars. So the temptation was just a little too much for him, and he took a car.

This is just to show that this kid has really never had a damn job. So when he got arrested for stealing the car, he stayed in jail for awhile, then his wife left him and become involved with some other dude who was making some money and giving her some money for the kids, you know; she said he was helping her take care of the kids.

So any way, we got this boy and said 'Okay, man, this is what you've gotta do to get your life halfway squared away; like it's really been screwed up in the past.' So we say 'We're going to get your a job.' So what we did on the job was to call the personnel manager at Owens Steel; he said okay, bring him on down. Now this kid can't read or write. When they gave him the application to full out, he walked out of the interview, you know, I guess because he was embarrassed and he didn't want to say 'I can't fill out this applicaion.' So he left. So I went and got him and we filled out the application and got him a physical. Okay, he's now working at Owens Steel as a laborer in the road re-enforcement department, and he's making $2.10 per hour, and he's got benefits like group insurance for his kids, which he's never had on any job before; okay, he's got sick leave and he'll be eligible for vacation at the end of the year.

In order to get the kid ready in a short period ot time to cope with some of the things he would probably have to deal with on the job, we sent him through the pre-employment classes. And he and I role-played in this office before we went to the interview; you know, how to shake a dude's hand which I think means a hell of a lot in an interview. You know, walk in and sort of be assertive and have some confidence in yourself. In this kid's case, he didn't have any saleable skills, so I said, 'Look man, what you've got to do on this interview is to sell yourself to this guy, because you don't have any skills you can sell him.' He had indicated that he wanted to work around steel. So I said, 'Tell the man that—how you feel about the job and why you want the job, and that if he made an investment in you, you'd be a good worker,' and those kinds of things.

He's been on the job for a week and his supervisor says so far he's been really enthusiastic about the work and he's been doing good—so far. We've got him pretty well lined-up with the job, but the kid's got more problems. For instance, he needs housing for he and his wife, because she's still over here in a room and he's been living with his sister who has a family. So we have to locate him some housing. He's also got to save some money out of his paycheck; he's supposed to show up here today with his paycheck and we're going to help him budget that money. The only money he's probably going to be able to keep is whatever money he needs to survive until we can get him squared away. Now he agreed to this contract, he said, 'Okay, this is what I want to do,' so it's a mutual agreement. If he has enough money this payday, then we try to put him a deposit on his apartment. From then on, a savings account will be a continuous goal. It may not be but fifty cents or a dollar, whatever it can be, but at least I think if we can get him into that, some of it may rub off whenever he's out of Pre-Trial. Then we say, 'What you've got to do since you don't have a car is take into consideration that you've got to get to work in the morning at seven o'clock. So, here's what we suggest you do. If you're going to locate an apartment as close to your job site as possible, so you won't have any problems with your

(Continued On Next Page)

A REALISTIC APPROACH

(Continued From Previous Page)

transportation.' We've located an apartment in that area which is pretty nice, but we've got to come up with the deposit. Then what we're going to try to do is we're going to get him and his wife in and maybe do some counseling about where they're at this particular time in their lives and what they want to do. So we said, okay, you get the apartment set up, man, and then maybe your wife can see that you want to change and that you want to take care of the kids and be the head of the family—which he continues to say he wants to do. We're going to try to get them back together—I think that's what they want to do—they're just young people and everything seems to be going wrong for them, I guess.

"Now, a 20-year-old black dude during this day and time who can't read or write is going to catch hell in this world, so what we've got to do is try to hook him up with some adult basic education program and try to get him to reading on some level—reading and writing and some basic type stuff, and maybe somewhere down the line, he may want to get his GED or something.

"So I think you've got to deal with the complete man, and that's what goes into making that cat perform and happy on his job. When the job comes in, that's security, and he's got money in his pocket, and he can buy the necessary things and the things his family likes, like anybody else's family.

"These are the people I'm damned concerned about."

"We try to think we're dealing with everything on a realistic approach, rather than a religious approach or a Utopian approach," John McDougall explains.

McDougall has recently assumed the directorship of the Pre-Trial Intervention program. The 28-year-old lawyer served previously as assistant public defender for Richland County, and before that, he served for a year as legal advisor to the South Carolina Department of Corrections. He stresses the community's relationship to Pre-Trial Intervention—and the advantage to the average citizen and taxpayer.

McDougall produced statistics indicating that PTI was not only socially, but financially sound. "The average cost per participant for the program, when you combine both regular and special participants, is about $480 each." (The figure is based on the average three-month program cycle; participants whom administrators feel need more time in the program can remain up to one year.) "It costs $3600 to put someone through CCI for one year, so you can see PTI is a phenomenal tax benefit. I can give you some more figures. I costs the criminal justice system $6000 to work with a youth for a year, where PTI can work with them for $480 for a three-month period with good results. At the Richland County Detention Center, it costs $5 per day to keep a prisoner incarcerated. An average individual would spend three to four months awaiting trial, so multiply that out. It's the difference of paying us $90 to work with an individual for three months, or paying the jail to keep him in jail. We can get him back into society; he can take his family off of welfare; he's supporting himself; he's paying his taxes; he's avoiding the criminal label, and everything else."

McDougall also insists that PTI and the various county law enforcement agencies are on good terms, although he and others close to the program admit that the agencies do not always agree with Foard and the PTI staff about who should get into the program. (One staffer put it this way: "The narcotics people think just about everyone is a dealer.")

"The law enforcement agencies work with us very well," McDougall says. "What we do is any individual who comes to us, we go back to the arresting officer and ask for a recommendation. They'll either put a favorable recommendation or no recommendation. If they don't put a recommendation, they tell us why. It may be this person has been tied up in drugs for many years, but they've just never been able to catch him. They have all this information, and there are a number of reasons they say no. After we get their recommendation, whether it be favorable or not, we go to the solicitor's office and review the situation, and the solicitor makes the final determination."

All PTI staffers insist that Foard has placed individuals in the program despite negative statements from law enforcement personnel. "We certainly take clients that they don't want us to take. That's one thing that has impressed me about the solicitor—he's willing to say,'We're going to take this person.' Of course, if we want to take somebody they don't want us to take, we're very clear on our reasons." Foard apprently attempts to act as something of a buffer zone between the program and the police; trying to maintain a balance between the wishes of law enforcement and the "objective standards" of PTI.

"If the law enforcement agencies don't want PTI," McDougall admits, "They could run it out of here. But although we've had some minor conflicts, we're able to work it out."

McDougall is currently preparing a budget which will include the remaining Department of Labor funds, which are scheduled to run out in January. McDougall is also preparing a budget which he will present to the Central Midlands Regional Planning Council in November in hopes that the Council will approve sufficient Law Enforcement Assistance Program money to fund the program for another year. The director hopes the 75% success rate of the current project will not only ensure its continuation, but will lead to the establishment of similar programs on a regional or statewide level.

"If it boiled down to taking a guy from the middle class or taking a guy from the poverty area, there'd be no question. We'd take the guy from the poverty area," McDougall says. "But you know, at one time it was thought that only the poor were committing crimes, and that's not true any more; it's my next door neighbor's kid who's committing them; crime anymore is not limited to one segment of the economic population—it's throughout. And I guess when you start realizing this, you start trying to help out a little more, because it's not just the poor who are getting in trouble."

Foard: PTI 'rewarding'

In these excerpts from a recent interview, Solicitor John Foard talks about the pilot Pre-Trial Intervention Program in Richland County. Each Friday, as part of his function as solicitor, Foard ritually dismisses the charges against criminal offenders who have completed the project. He recalls here a particularly fruitful morning:

I had a white male, maybe 22 years of age. He was up on drugs and I put him in the program. All right, when he came to me for dismissal, I had a complete report of what he'd been doing. We were able to get him a job in School District One not only as a school teacher, but teaching handicapped children. Their report to me was that he was the best they ever had. Now if I had taken him into court, and he had either pleaded guilty or been found guilty, they could not have had his services, and he could not have had the job. Now I think this is real important, because you know in grade schools they're always screaming you don't have enough males; you've got plenty of females, but not enough males. And the female teachers will tell you that; even these, ah, what do you call them...women's lib groups. So I think that was worth all the trouble we went to. And that same Friday morning, we had a black male, 20 years of age, for housebreaking, for which you lose all your constitutional rights. All right, we put him back in Benedict College and got him a job (with the local media) which helps pay his way through school. They tell me when he finishes school, he'll have a hell of a good job. On that same day there was a young man --I don't remember what his offense was off-hand--but he was making around $2 an hour when he got arrested. From tests we gave him, we didn't believe he belonged in college. He did not have the equivalent of a high school education, so we put him in a trade school in Lexington County, and we got him a job which at the time I dismissed him was paying $4 an hour--he was an apprentice electrician. He will be a full electrician to the best of my recollection maybe two or three months from now and will be making over $6 an hour. That doesn't go into the details of his life or the other things we have done for failures--oh, lord, we've had failures--but our statistics show that we've had a 75 per cent success so far.

Now here's what's amazing. We have a camera--we've taken so many people we can't do it to everybody, but at first we did do it to everybody-we interviewed them--I don't do it; somebody working for me does. And it varies, the interview. And then, maybe a week or two later, he's interviewed again and it's taped. After three months maybe there's been two, three, or four interviews, and we have this TV set and we flash it on there and say "We want you to see your first interview; now listen to your second one, and then the one today." And they see something we've already seen--the change in their attitude. He can't believe that's the way he talked when he first came in: "All cops are sons of bitches" or something like that. He can't believe it. And the thing that really makes me feel good is when I sit here on Friday and dismiss these charges, I know that some of them are going to come back, but I know most of them aren't, and I say, "Is there anything I can do for you today?" and everyone of them not only brags on the program, but a certain per cent volunteers to go over and work in the program in their spare time. Their attitudes change. For example, I had a few to say, "You know, Solicitor, I've read about you in the paper and I just knew you had horns. I didn't believe any prosecutor was interested in keeping us out of jail."

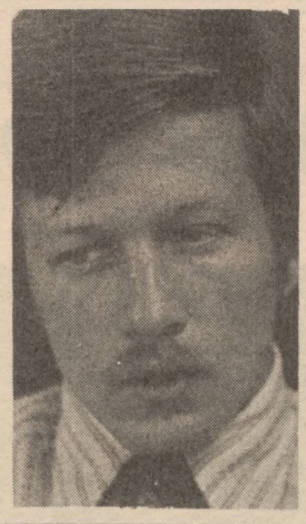
To me, this is the most rewarding program I've ever been involved in.

"... the thing that really makes me feel good is when I sit here on Friday and dismiss these charges."

---John Foard

DRUG BUST U.

by Brad Stinson



Frank Sanders (left) and John McDougall are trying to help first-time drug offenders with an experimental class on drugs. The course, taught by Sanders and Dr. Larry Milne, examines most aspects of the drug culture and drug arrests.

One of the most frequently mistaken impressions about pre-trial intervention is that it exclusively involves drug cases, an idea which originated when a special experimental class was begun last spring to deal with drug arrest cases.

The experimental program, now in its third class, was begun primarily to handle the large number of people who were arrested for simple possession of marijuana or of a controlled substance. According to Frank Sanders, who co-teaches the experimental course for first offenders only, an overloading of "middle-class student busts" caused the program officials to reevaluate it.

"We got to the point where we couldn't take everybody into the regular program," he said. "We had neither the room nor the resources and we felt that our counseling would become less effective with the overload. We had to decide either to draw an alternative program or to write a criterion excluding some kinds of offenses."

As it turned out the simple drug busts were the ones that had to be excluded or altered. The program was not originally designed to handle these kinds of cases. It was intended to serve more disadvantaged persons.

"We weren't set up for these folks," Sanders said. "The results are less tangible, the chance of changing them is very minimal and the severity of the penalty is minor -- 90 days or $100."

The special drug sequence has very minimal involvement: it consists of only six two-hour classes taught by Sanders and Dr. Larry Milne, the other half of the crew.

Sanders admits that the participants aren't rehabilitated. "That isn't the kind of result we are trying to have. We let them make a conscious decision as to the lifestyle they want to have.

"If they want to continue using drugs -- that's OK. If that's their decision they have to realize what the consequences are. That's where my part comes in -- the legal consequences. If you get busted again there are your alternatives, this is what the judge can do to you, and this is where you will go to jail , to the chain gang, probation -- that kind of thing.

"So what we do is say this is the reality of the situation. Then we get into some respect for drugs and Larry Milne gets into things like these recent test results of so and so. I think that we have some good results in explaining what the system is like."

Milne, a Ph.D in Pharmacy, who boasts of never having taken any drugs but talks as though he knows more than a heavy user, teaches the other half of the course.

"I haven't even smoked grass, much to a lot of people's dismay," he says, yet he doubts seriously that any of the participants know as much about drugs as he does.

"I think there are people who think they know as much as I do, but I think they soon find out they don't. I might not know how an LSD trip would affect me personally, but from the same standpoint they find that they can't predict it very well either. I don't think that in the end they necessarily think that because I haven't anything that I've lost them."

Milne got involved in the PTI project when several students from his drug abuse class, which he teaches at the University, asked him to give them and other staff members at the project a training session in drug abuse. Milne, who is also presently writing the state plan on drug abuse prevention in conjunction with others, says his hidden agenda in drug education is to get everybody to respect drugs more.

"That means from the mass media on down. The media has done a great deal to promote the drug industry and now its time to use the media to educate the public. I've gotten involved in PTI because I like the concept of pre-trial. When you consider that 80 per cent of our people in the prison system return to that system, there's got to be a better way."

Milne believes that many of the people who come into the program, particularly young people under the age of 25, are arrested on what he calls "one-time deals". They are people who get into trouble once, but who are unlikely to get into trouble again.

"I'm talking about the guy who gets immediately furious and beats the heck out of another guy whose dating his girl friend. He is subsequently charged with assault and battery of a high and aggravated nature. This is probably a one-time situation. Or the kid who is 16 or 17 years old who borrows someone else's car for a joy ride. here again, its probably a one-time situation.

"Why label him at that particular point in time with an ex-con label. Maybe we can deal with some of his problems, get him back in school, get him some training, or somehow get his head turned around. Maybe he will be a productive citizen in five years instead of an ex-con."

Milne has worked with Fifth Circuit Solicitor John Foard, not only in the PTI project, but in other matters, and like many of the other staff members finds him not to be the conservative he often portrays.

"I can't explain where he's (Foard) coming from as far as the conservative image -- when at one time three years ago he was toying with the University (of South Carolina) -- but I've found him to be a very easy guy to get along with. I haven't found him to be completely conservative. In fact, I've found him to be fairly liberal particularly if you consider PTI as a liberal movement. It's something new in South Carolina, it's innovative, it's saying that a person who makes a mistake can be forgiven for that".

Milne cited a law recently passed in his native state of Kansas, similar in effect to the pre-trial concept, which allows a person who has been out of prison for five years to have his criminal record expunged, no matter what he has done.

"I'm talking about murder one!" Milne exclaimed. "If he's clean for five years and requests that his criminal record be expunged, at that particular point if he is asked 'Have you ever been convicted?' he can legally say no! If he's called into court and asked if he's ever been convicted, he can legally say no. PTI is a little bit more than that. In PTI you never go to court ... and your charges are dismissed."

This is another of the rumors about pre-trial intervention that needs to be dispelled, that a person's record is never really expunged. The project's director, John McDougall, admits the record is never destroyed, but that if a person who has successfully completed the program is asked if he has ever been convicted, he can legally say no.

The program taught by Sanders and Milne coordinates a short-course in the facts about drugs, the criminal justice system and just about anything else the people involved want to talk about.

In the first two-hour class the participants are introduced into pre-trial told what to expect from the program and what is being expected from them. They are also given a pre-test to determine what they know about drugs or what their attitude is toward a specific drug or the penalites involved.

For the next two sessions, Milne talks about such things as how drugs act on the body, what the various drugs look like and what's on the market. A couple of the sessions also involve talks by Sanders on the criminal justice system.

The last session is probably the best. This one hosts a narcotics agent, a prosecuting attorney (usually the assistant solicitor from Richland County), a defense attorney and someone from the prison system -- all of whom sit in the front row and field questions.

The class makes it obvious how little the people who come into pre-trial know about the criminal justice system. Sanders says the people involved in the course usually are alienated from that system.

"Nothing like this has ever happened to them or to anybody they know. They come in an it's totally different from "Ironsides." They've been hassled around so that we try to deal with that."

The special drug class is offered the same services that the regular 90-day participants are offered. They can borrow money for short periods of time in some situations, they can also get help in finding a job or in getting back in school. Psychological guidance is also available to them. Some of the people in the drug class are going through the regular program as well.

But for the most part the special drug class consists of people who have little or no psychological or sociological problems, people who like to smoke pot and who don't think there is anything wrong with it. They don't need to know how to fill out an employment application or how to handle a job interview. Many of them are college students, some are college graduates. Most of these young people, Milne said, are not the criminal type.

"It's just that they feel that smoking marijuana is okay and they still have their lives pretty well in order. It's not necessary for them to go through the regular program. About one-third of them are college students, two-thirds have either graduated and are out working or have finished one year of college and are out working. At any rate most have at least graduated from high school."

The participants not only go to class but also are required to do volunteer work. Some of them work in the prison system or Crafts-Farrow State Hospital, for example; while others, especially the college students, may tutor high school kids who are also in the program.

Even so, at least some of the participants see the whole thing simply as a way of beating the rap or just being able to say, "I have no record."

"The thing that we do, Sanders said, "is to get them involved, get them to participate, encourage volunteer work. As far as net results of people not ever using drugs again, I have absolutely no idea. I've never asked anybody if they were guilty or innocent nor have I asked anyone to sign a pledge card. I think what we have is a hell of a lot better than a record."

No one, including Milne and Sanders, seems to think that minds are really being changed as far as using marijuana is concerned, for example. It's more of a "you can't say nobody ever told you" attitude.

Sanders said that what the program gives its participants is "practical information. You are made aware of what's going to happen to you if you get busted again. I certainly think that what we provide is better than paying a fine and walking away."

Milne still believes the participants take the class seriously, regardless of what they say. He said all of the participants are volunteers and can get out of the program at any time. Of course, if they do, they have to face the criminal justice system.

Is it just a way out?

"Yes, I think it is."

Do they take it seriously?

"I can't really answer that yes because at this particular point they are fairly well scared. They've just been arrested, they've just been hasseled. All of a sudden they see what the legal and criminal justice system is like.

"I think they take it more seriously than maybe if they never had been arrested," Milne said. "I'm not saying that they will never touch another drug, but I think they will be more careful and consider the consequences before they do it again. Whether they do it again or not is entirely within their control."

Both Milne and Sanders believe that the drug class is a success because a lot of young people have been spared of having a criminal record.

"In a way," Milne said, "it's decriminalizing personal drug use and I think this is the direction we are heading for in the United States. One thing that I've found in writing the state plan on drug prevention is that there may be a need for a PTI project throughout the state. At present, if you are busted outside of Richland County, you cannot get into the program. It's more of a one-to-one ratio. When you consider that the average probation officer's caseload is 212 and some are as high as 500, there's no way in the world you can have personal contact with people on probation."

Milne not only would like to see the program expanded all over the state, he also would like to see the time limitations relaxed. He believes there are some people who can be dealt with in 30 days and others that need to stay six months. He sees the need to get away from the six-week or 90-day limitation.

Pre-trial may mean that someone will think before he buys what is for sale on the streets, or it may mean that someone else will find a better place to stash his dope, but for whatever the result, most of the participants agree that it beats having a record for the rest of their lives. They also agree that it beats being on probation.

It may be that for most of the players this is just a way of beating the first rap. But it might be that they learned something or thought something over. There's something hopeful about this kind of program even if it's nothing more than a second chance.

Demos sing 'quota' blues

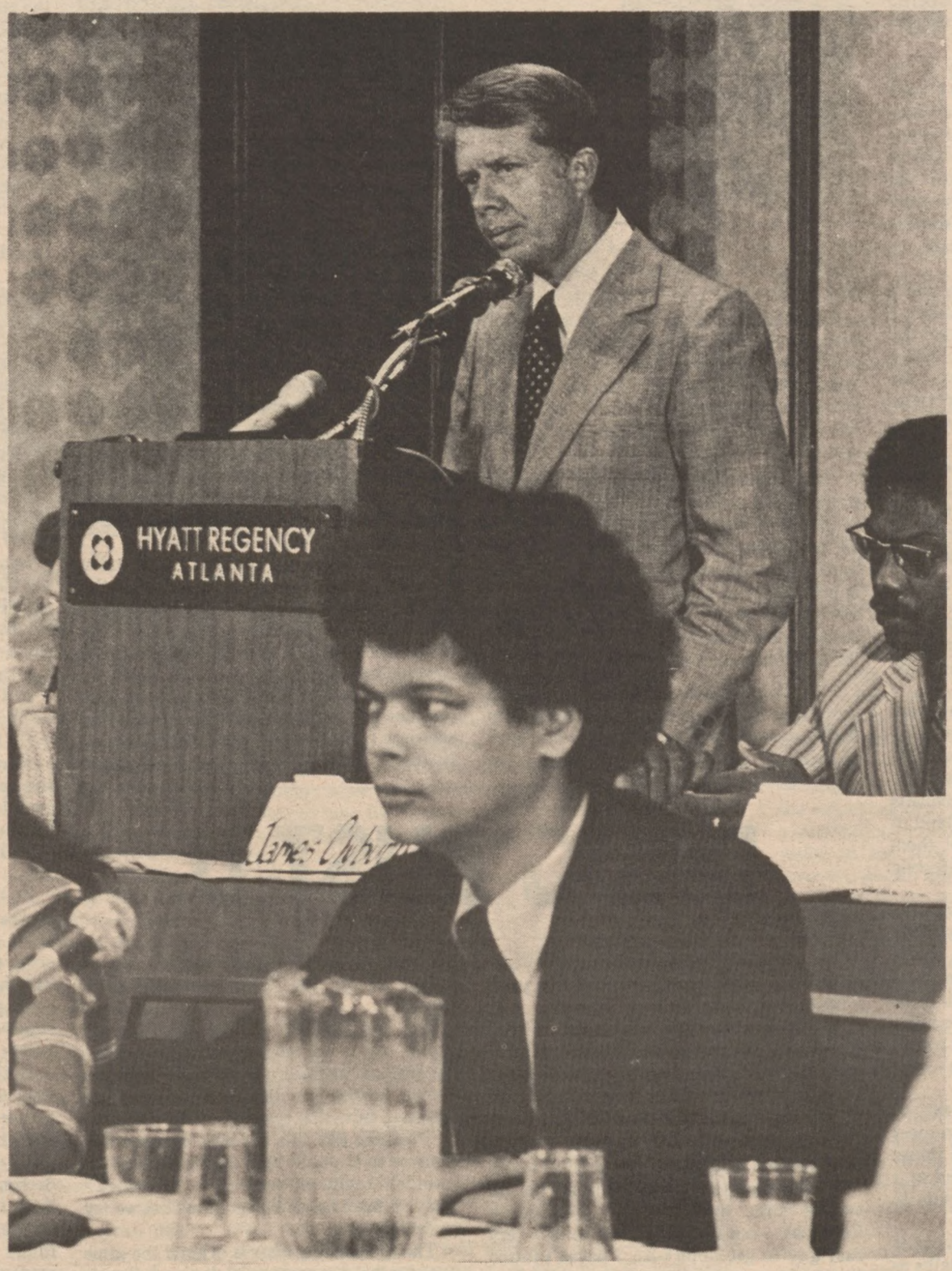
by Tim Rogers

Outside a crowded Atlanta hotel meeting room, a plump, balding man with a "Jackson '76" button on his lapel turned to a long-haired kid and drawled,"Damn, it's hot in there. Where the hell did all these people come from?" Tucked under his arm, the man carried a black plastic briefcase stuffed with mimeographed papers. A sign on the side of the briefcase said: "WATERGATE: CONFIDENTIAL FILES." At the bottom were small holes which, according to an accompanying brochure, were for "official leaks."

The southern hearings of the Democratic Party's Commission on Delegate Selection and Party Structure were in full swing and the heat could be traced, in part, to a clash of opinions, and to the fact that over 300 people were packed into the small meeting room in the Regency Hyatt House. The Henry Jackson enthusiast was not the only person there who had Watergate on the mind, even though the issue was peripheral to the hearings. It was on James Clyburn's mind too, as the black aide to Governor John West, former state president of the South Carolina Young Democrats and moderator of the Atlanta hearings, warned the assembled Democrats that, "Watergate should not be viewed as a political windfall for the Democratic Party; it should be viewed as a political tragedy for the nation. Those who think that Watergate will damage only the Republicans are sorely out of touch with the electorate of this nation. Our basic purpose must be political victory which restores, and does not further erode, the confidence of the American people in their form of government."

And confidence was the issue of the July hearings. But confidence for whom and in whom? This was the question which the commission would consider. Dubbed the "Mikulski Commission" for Chairperson Barbara Mikulski of Maryland, the commission was created at the 1972 Democratic convention to refine rules set up by a Democratic Party panel headed by Senator George McGovern prior to the delegate selection process of 1972. But as the McGovern Commission guidelines came under attack following the convention, and Richard Nixon's landslide victory, the Mikulski Commission's post-election activities have become a barometer of the escalating battle between reform Democrats and the old-guard regulars. Indeed, despite Watergate, unity between these factions still seems far away.

Now it was the turn of the southern states to voice their views and gripes about the McGovern Commission guidelines at a meeting clearly under the control of establishment Democrats. In preparation for the meeting, southern governors and state party chairmen received priority in deciding such procedural matters as the form of the hearings and who would participate. (Though Chairperson Mikulski is not unsympathetic with the reformers, the Democratic National Committee (DNC) staff under Party Chairman Robert Strauss has become, in effect, organizers of support for the party's right.)



—Atlanta Journal-Constitution Photo

Georgia Governor Jimmy Carter hits McGovern Commission guidelines as Georgia's Julian Bond (foreground) and South Carolina's Jim Clyburn (right) listen.

The Mikulski Commission hearings in Atlanta differed procedurally from those in Boston where there were few restrictions and everyone who desired could address the panel members. In Atlanta, only those on a predetermined list were likely to speak.

Party members had been told in a mailout that they should inquire at DNC Headquarters if they wished to be considered as participants on a "representative" roundtable. Several southern liberals who did so were told they would be called back later by the staff arranging the meeting. But there were no calls.

Following opening remarks by Georgia Governor Jimmy Carter, Ms. Mikulski, Clyburn, and Livingston, Alabama, Mayor Drayton Pruitt (a stand-in for Alabama Governor George Wallace), the 15 commission members heard from the 10 members of the roundtable on their views concerning delegate selection rules.

Of the 10 roundtable members there were four liberals: Atlanta Congressman Andy Young, Georgia State Representative Julian Bond, former Georgia McGovern Campaign Director Bebe Smith, and Brownie Ledbetter, a National Women's Political Caucus leader from Arkansas. The rest were mostly conservatives, including Georgia Democratic National Committeeman and state AFL-CIO President Herbert Mabry, Georgia Democratic Chairman Charles Kirbo, and James Moore, southern director of the Randolph Institute.

South Carolina's representative on the roundtable was state party Vice-Chairwoman Alice Cicenia of Summerville who had served at the behest of the party establishment as state McGovern campaign chairperson. Most of her Atlanta statement was devoted to rehashing the state party's defense against its credentials committee challenge at the Democratic convention last summer.

Two central issues of the guidelines were at stake: the so-called quotas language of the guidelines directing the party to have women, minority groups, and youths represented at the convention in in reasonable relations to their proportion of the population, and the proportion of elected officials and state party executive committee-appointed delegates which the convention should seat.

So despite the generally moderate tone of the hearings, most of the people there could not resist playing with their new code word: "Quotas." "If you randomly asked anybody how he stood," one observer quipped, "he would probably say he was in favor of the reforms but opposed to the quota system."

But the liberals deviated from this alleged norm and defended the reforms, claiming they democratized the delegate-selection process, opening it up to those who had been wrongfully denied participation in the past. They claimed that to turn these reforms back now would be unthinkable.

One of these defenders, Julian Bond, noting that blacks have been the most consistent and loyal supporters of the party, warned that retreating from concrete guarantees for black representation could lead to black desertion from the party. "Call it whatever you want to call it," one Bond ally said, "we just want to make sure we get our representation."

Conservatives countered that the reforms alienated many Democrats in 1972, causing them to feel abandoned. Some also raised the spectre of "radical" participation in the party. Georgia's Carter, allied with the conservatives, warned of the effects of rank-and-file Democrats "observing in the Democratic Party councils disorderly or radical behavior."

Another old guard bluntly claimed the party-regular "ten percent" did all the work and must be considered first. Without them, he said, the party would be left with no one to carry the elections. "These reformers, these johnnies-come-latelys, won't stay around to help the party. They were just here for McGovern. They have no allegiance to the party, just to their candidate."

But that statement did not go unchallenged. Jerry Kaynard, a Charleston lawyer and son-in-law of Charleston reform leader Bill Ackerman later retorted: "The same party officials who use that line represent a lot of people that DID desert the party in '72. They feel it was entirely all right for them to desert the party and then come back, but not for anybody else to do it."

Kaynard threw out the example of Kirbo who said "if John Connally wanted to come back to the Democratic Party, we should welcome him with open arms, you

The Democrats still have a long way to go before they can lay claim to the capability to restore confidence

know, really kiss his feet...He made it perfectly clear that all he cared about was winning elections. He sounded like John Mitchell. To tell you the truth. If you play the game, you play to win. If you have to twist and turn to do it, then you twist and turn."

Kaynard wanted a chance to speak before the Mikulski Commission and got it by signing a list which allowed persons not on the roundtable to speak after it concluded at 10:30 p.m. But there was a catch: those who signed the list were given only one minute each to talk. At 11:30 p.m., Kaynard's name was called. He was armed with a five-page statement and some exhibits, but one minute was a rather short time in which to present all his material so Kaynard gave copies to commission members and attempted only to summarize.

Kaynard told them of the 1972 Charleston County Democratic Convention that turned into a fiasco when close to one-third of the delegates walked out.

The Charleston convention was a classic picture of exclusionary politics in action. An "official" slate of 75 pre-selected candidates for state convention delegate and alternate slots was presented orally to the county convention—along with a ruling by the chair that delegates could vote for only one slate or another, no resolutions were permitted from the floor and an appointed resultions committee decided the fate of all submitted resolutions, and no transcripts were kept of county convention proceedings—all of which resulted in the walkout.

Kaynard placed a sizeable share of the blame for what had happened in Charleston at the feet of Clyburn. But when he rose to speak, Clyburn had left, along with most of the commission members, roundtable participants and onlookers.

He submitted a list of recommendations to prohibit such abuses in the future. saying that "party rules will not be meaningful unless and until they are adequately enforced at all levels of party organization. The spectacle of a national convention on television has great impact, but the folks back home judge the party as they see it function in the precincts and at the county convention. It is my testimony that party rules are ignored at the county convention level."

There were other horror stories in Atlanta about scattered local situations, but most of the discussion came in the form of more lofty rhetoric about quotas, exclusion, and affirmative actions. It was clear that some concessions would have to be made with the old guard on delegate selection rules between now and 1976. Chances are not great that 1976 will be the year for stricter enforcement of national guidelines down to the county and precinct levels. "As a practical matter," Kaynard said, "I don't think the party is going to concern itself this go-round with situations that far down the line."

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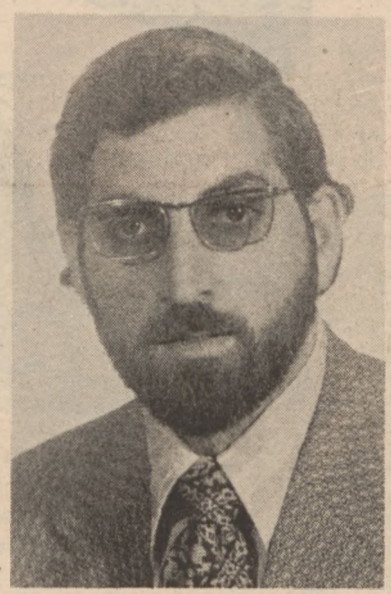
The Mikulski hearings in Atlanta were little more than token ceremonies, preliminaries through which the commission feels obliged to go before the drafting of recommendations to the Democratic National Committee. The nature of those recommendations will finally depend on which wing of the party can muster the most votes when the full commission meets later this year to deliberate. When the commission was originally appointed by McGovern's DNC Chairperson, Jean Westwood, it represented a fair balance of both wings of the party. After current DNC Chairman Robert Strauss was recently elected, however, additional members were named to the commission—resulting in a slight majority for the conservative wing.

Strauss has given lip service to the widely-heralded proposition that "the spirit of the reforms should be upheld." That leaves open to question, however, precisely how far Strauss and his cronies are willing to compromise the reforms in order to woo back disgruntled conservative Democrats.

The regulars, whose major voice, the Coalition for a Democratic Majority (CDM), has



Democrat Jerry Kaynard

already submitted detailed recommendations to the Mikulski commission, claims '72 language directing that women, minority groups, and youth be represented in reasonable relationship to their numbers in the population created virtual quotas at the convention. Generally, they agree that this language has to go. Liberal Democrats counter that this will mean, in effect, a return to the pre-1972 conditions when the party officially outlawed discrimination and secrecy, but in fact, allowed these practices to go unchallenged.

On the seating of elected officials, the problems become more complex. CDM says that its constituents simply cannot or will not participate in delegate selection and other party affairs, and since the only ones who will are kids and affluent liberals, it's necessary to stack the deck a bit with elected officials, in the name of representative democracy.

The reformers claim such action would mean a larger number of people again being selected before the commencement of the primary campaigns, and that party activists--including officeholders if they so choose, should be those to whom the convention is geared.

CDM is calling for a "leadership" party, while liberals want a stronger grass-roots structure to which the leaders would be held accountable.

CDM does have a point, however, when they protest that the rules as they now stand tend to facilitate top heavy influence in the party by a new elite of political activists. As political columnist Jack Clark put it, "If CDM's proposal would conceivably let Tony Boyle (ex-United Mineworkers Union president) speak for the mineworkers, perhaps the current reform arrangements allow Joe Rauh (ex-Americans for Democratic Action president) to speak for the mineworkers. The problem is, how do we get the mineworkers--or the Democratic electorate--to speak for themselves."

In other words, there do remain significant problems in the party's National Convention delegate selection process. Class and social biases against political participation are a factor. Physical and financial obstacles to cross-section participation are often formidable. And obviously, local enforcement procedures must be strengthened and made uniform. Rather than searching for solutions, the Mikulski Commission has too frequently been content to stage "happenings" merely to allow opposing political forces to wave their standards and probe their opponents' weaknesses.

According to political scientist James MacGregor Burns, the party's problems in grappling with the process of restructuring stems from the American tradition of organizing around candidates instead of parties. The reformers say they are out to change this, yet they often can be too defensive and sectarian to see the limits of their vision. That the Democrats have a golden opportunity for redemption vis-a-vis Watergate is clear. But the deeper lessons of 1972 have yet to be learned. The Democrats still have a long way to go before they can lay claim to the capability to "restore, and...not further erode, the confidence of the American people...."

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Cinema

Cruising Columbia

by Gary Ligi

Let me explain how it happened. There we were--Jean, Janice, Randal, and myself--outside the Township Auditorium, having just had a wonderfully cordial ticket-taker tell us: "Tough toodle, boys and girls. But the lady says nobody gets in without a ticket. So get lost."

"But," we attempted to protest, Randal brandishing his camera stand and I my press credentials (an Air-Wick core and a bottle of Ezra Brooks) as if they added credence to what we said, "we *do* have tickets. At least, that's what our ad manager led us to believe. We're legit. We're from *Osceola!* People fight over our paper in The Big T! You're running an ad with us!"

"Tough toodle."

"Well, humingbird dung," I muttered, turning away. I had no intention of paying 20 bills on a one-shot review of a group I'd never heard. "I'll keep them from running you ad!" I howled as the others dragged me away.

After I'd calmed down enough that Jean, Janice, and Randal felt it safe to let me out of the dumpster and remove the gag, I asked them: "Well, what do *you* all think?"

"I don't know," came back in stunning three-part unison as we walked back to Randal's finicky Vega. "How about we see a movie? Jim said he wanted "The MacIntosh Man" reviewed," I threw up for grabs.

"Don't throw up for grabs," said Randal, there won't be any takers." We got into the car. Randal got the Vega started (amazing grace, how sweet the sound) and pulled out onto Blanding Street. Someone suggested (I think it was me) we stop and get a beer or two dozen, and maybe a paper to find out what was playing where and when.

"How about the Capitol Newstand for the paper," I suggested, half an hour and ten miles later.

"Far out," I think I said that too.

Jean and Janice saw the marquee first. "Don't Say It. Hiss It," the marquee said. "Let's go see that," said Janice and Jean.

"Feces," I muttered deep in my throat, while visions of "Stanley" danced in my head.

And that's how we came to see "Sssssss."

After the purchase of several Marvel comics from the Newstand and a couple of beers next door, we bought tickets for the 9 o'clock show. Randal made sure to sacrifice a box of popcorn all over the carpet in the lobby (It's a ritual we go through, and it was his turn) while we waited. Finally, as the previous audience began to file out, Janice said: "I bet this is good" just as a mysterious stranger approached me in leopard-skin leotards and whispered in my ear: "You might still be able to get your money back."

"Bad?" I wispered back.

"Blech," he belched. I cringed and thought: "Oh doodleysquat," recalling the last picture Janice thought was going to be good was a film called "Encounter with the Unknown."

I was tempted to run, but by then was too exhausted and sore, having vented the last of may anger over the Township affair by tearing every armpit hair from under my right arm while drinking the beer. So we took some seats down front.

To make matters worse, when the film came on, there was this black and white message which said something to this effect: "This movie was made with real snakes flown in form all over the world. It was really hard and dangerous to complete this film, and we sure are glad we didn't lose *more* people doing it. blah. blah. blah." I was sure we were in for it.

When I grew up, children were raised on the horror film, going religiously every Saturday to the "gory matinees" which featured anywhere from four to six fright flicks (depending on whether there were many silents available). This was during the McCarthy era, but Lugosi, Karlov, Price, the Chaneys, *et al* were by and large the steady fare, despite the fact that the early fifties films usually sported, almost without exception, faceless monsters from outer space or rampaging natural beasts grown fifty times their normal size--any of which could easily represent the "red menace" and serve to subtly propogandize the public.

Back then I didn't realize, of course, that I would someday be looking to films to discover a running commentary upon the state of American culture--but there was something, even then, that drew me back to the darkened theatre again and again in the middle of the day.

To put it into a simple formula, the cycle of the horror film (at least until recently) has run like this: the monster grown increasingly more real and individualistically human prior to an economic crisis or armed conflict; is replaced by comedy, love-interest tales, and musicals during war or depression;sand-in the denouement--the monster becomes less human, less real. One has only to notice that many post WWII movies depicted attacks by spiders, grasshoppers, ants, and plants-many of which cast clear shadows on the sky behind the buildings they were supposedly destroying. There were the "its," "theys," and "thems" so nebulous we couldn't ascribe a proper noun to them. There were the natural cataclysms of the sun burning out or blowing up, the earth leaving its orbit, the moon leaving its orbit, etc. (which scientists assured us were not remote possibilities for thousands of years). Or notice how the Japanese mosters bear a less than curious resemblance to the bombs dropped on Hiroshima and Nagasaki--the sets are always toy-like to be brushed aside by an accidental sweep of a tail or a rush of wings. And what spawned the monsters? Nuclear testing, of course.

It is easy to see why the films of the early and mid-fifties dealt with horror obliquely when one considers that the real horror of the Second World War--with its 25 million dead, its countless blind, deaf, dumb, armless, legless, *ad nauseum*--was just beginning to dawn on the general public. Several of the most terrifying atrocities--the bombing of Dresden as detailed in *Slaughterhouse Five*, for example--were not going to be revealed for another dozen years. People wanted an escape from the *actual* horror of recent history. The Japanese took longer to get around to making their "equivalents," and the Japanese film has not managed to free itself from the "fantasy horror," but who can really blame them? America didn't lose a city in a couple of minutes. The Japanese lost a bunch. Think of the horror in that.

The genre has always been most effective in examining humanoid monsters, i.e., mad scientists and their creations, zombies, vampires, and assorted grotesques. The large lumbering dinosaurs, overgrown monkeys, and intelligent plagues don't possess the powerful impact of realizing a monster acts a

(Continued on next page)

Mackintosh Man: plenty of surprises

We think we begin to understand just who Joseph Reardon is about fifteen minutes into John Huston's "The Mackintosh Man" as he is dispatched to prison for a daring "broad-daylight" robbery (which he committed) without naming his accomplices: the strange inhabitants of "Anglo Scottish" who actually master-minded the heist.

(In fairness, I must report having felt deep regret at this point in Huston's otherwise pleasing film, for I swore off prison movies after the murkily symbolic and brutal "Cool Hand Luke.")

Twenty minutes later, the mystery of Joseph Reardon becomes more pronounced as we watch a "broad-daylight" prison escape even more daring than the mail job.

Is Reardon running or chasing? Why didn't h name his accomplices? Why does Sir George Wheeler keep making those fascist speeches on "Pat-riotism?" What does the cool and mysterious Mrs. Smith do at "Anglo Scottish"? And finally just *who* is the "Mackintosh Man"?

These and other questions are answered during our two hour visit with the flick. From start to finish, we are invited to forget ourselves and become involved in the make-believe realism on the screen -- a "slam-bam" breathless rush to a last- minute climax.

Walter Hill's script suffers from verbosity during the opening scenes before settling down to some fine melodrama and plot machinations. The film sparkles with classy one-liners (my favorite: "Charlie doesn't talk much; he doesn't have a tongue") delivered with great charm and ease, and it manages more plot reversals than "Sleuth."

Director Huston redeems himself with this film after more recent efforts - "The Bible," "A Walk With Life and Death" and "Fat City" -- almost destroyed the reputation which Huston established with his earlier work -- from "The Treasure of Sierra Madre" to "The Night of the Iquana."

Some chase sequences could stand a couple of more cc's of adrenaline, but Huston generally keeps his action moving with the precisiion of an expensive Swiss watch, never stopping long enough for the verbosities of dialogue to impede his fast-moving film.

An early trip through the streets of London stuns with its superficiality as Huston walks his camera up to a street to catch Rearden coming down it and ducking into a men's store to buy a reversible mackintosh. And in the film's ultimate confrontation between heroes and villains, Huston creates a delicate balance of emotions which he breathtakingly destroys before our very eyes. Exotic locations, impeccable color photography, and Maurice Jarre's excellent musical score enhance Huston's peripatetic camera.

The ideal cast for this film would have included Humphrey Bogart, Ingrid Bergman, Peter Lorre, and Sidney Greenstreet -- an impossibility today. Instead Huston offers some highly unlikely -- but likeable - substitutes who prove themselves to be quite professional at this cat-and-mouse game.

Paul Newman's Joseph Rearden is , indeed, an enigma, for this "movie star" usually depends on boyish charm and cute muggings of his face to get him through a role. Here, Newman finally portrays a human being instead of some ersatz Jesus symbol. He delivers a surprisingly credible and restrained performance based on talent -- offering his best on-screen work since he was Fast Eddie, "The Hustler."

Dominique Sonda portrays the cool and mysterious Mrs. Smith as a free woman capable of individual choice and feeling. James Mason deserves knighthood - or at least an Oscar -- for his unctuous Sir George, the dandiest screen villain in some time. Harry Andrews, Michael Hordern, and Ian Bannen give excellent support as conspirators encountered at various points along the road.

"The Mackintosh Man" lacks the flash of most big-budget Hollywood thrillers, settling instead for Hitchcockian intensity and surprise. It even manages to live up to its advertising campaign for "The Mackintosh Man" *is* not what you would expect." -- *Michael Smith*

Music/Witnosh

A perfect combination

We waited backstage until it became early Monday morning, but the meeting never ended. Stevie Wonder, his band, road crew, and a few sound men were hidden away in one of those incredibly small dressing rooms in the back of the Greenville Memorial Auditorium, discussing what was rumored to be a number of sound problems in the just-completed show.

We waited the better part of an hour for them to come out, realizing gradually that once they did come out a rush for the door would be on and there would be no time to talk. So we went out the same way they later would, passing the Ryder truck already almost full with equipment, and past two very non-flashy luxury cars waiting to take them away.

Nearly twelve hours later we would learn that one of those cars had been totally demolished somewhere near Salisbury, N.C., sending Stevie Wonder into intensive care.

As it stands now, Wonder has improved and his condition has stabilized, but it will still be a long time before the suggestions made at that meeting can be used.

The hospital in Winston-Salem, where he was finally taken, has been staggering under a load of phone calls and letters. It's not hard to understand why. Wonder puts so much of himself into his concerts that it's almost a certainty you'll feel a kinship with him before it's over. He'll get your attention with that neon smile, and just when you're weak he'll clinch the relationship with his music.

The smile and the swagger will start it off. He carries his head back—way back—tilted upward. His mouth has a natural tendency to hang open, exposing the top row of teeth that seem to glow in the reflected beam of the spotlights. And with the reflection from his subglasses his whole face lights up.

When he's enjoying himself he bobs his head from side to side, almost as if his neck were hinged front to back somewhere near the epiglottis. He just nods left and right, sometimes to the music and sometimes not, always keeping up that grin.

It matters little now that Stevie Wonder is blind. Once it may have been all that was amazing about gim, but now there is so much more. He has become an artist as well as an entertainer, and as he introduced new songs from his latest album, *Inner Visions*,it was evident that the artistry is getting stronger.

Clothed in a green, floor-length African gown, Wonder was led to his place behind the electric piano by one of his back-up singers. He stayed there just momentarily, slipping away on his own to take over the drum kit for the traditional opening drum solo. Wonder, his drummer and his conga player took a long solo on

drums which is based on African scatting. The non-continuous rhythm patterns are part of the show in which Wonder can express his respect to genuine African music. It's also the only part of the show that can be categorically described.

Imagine gospel music at a non-stop, evenly matched Rod Laver—Stan Smith tennis match, and you can imagine the concert. Wonder was always in control, however, guiding the dozen musicians of Wonderlove with cool control. The entire production resembled a Leon Russell concert, with nearly the same number and type of musicians and the same show of songs. The difference was the personality of the two performers, so where Leon always appeared cool and cocky, Stevie was somehow more personable, less mysterious, and more approachable.

Wonder is acutely aware of sound; probably more so than Leon or even most musicians. The African drums were just a part of that awareness. Another is the use of unusual instruments for different sounds. On "Visions" from his new album, he performed on electric piano while wind chimes jingled in the background, and wire-brush slipped over the cymbals.

On another piece from his new album he performed alone on the grand piano a very beautiful song, soft in tone and slow in tempo, with an ending that sounded almost classical.

Later he moved rapidly past some of his older hits like "Born to Love Her," "My Cherie Amour," and "Sunshine of My Life," running through them quickly, giving them a slightly different rendition than the originals. His electric piano made soft, unreal tones, as if her were playing vibes.

On synthesizer he showed just the right choice of sound, as on the beginning of "Superstition," which comes out like a combination of organ and guitar. And on another piece his female sax player drifted out of a solo, while Stevie picked it up on Moog. The end of the real thing and the beginning of the imitation were almost indistinguishable.

That it was to be the last concert of his tour, and possibly the last for some time, only served to make the memory die more slowly. It was the perfect combination for concert music. Enough spirit and soul to make the music memorable and personable, and enough creativity to force you to take the time to listen to the recorded versions sometime when you're alone.

—Tom Priddy

"Ssssss"

(Continued from page 16)

lot like the man next door--or worse, like yourself. The big, vague creatures can kill you, sure-but it's the monster down the street who has the best chance.

We gobbled our popcorn, drank our drinks, and watched as behind the credits, two men struggled with a coffin-like box from which issued sounds uncomfortably kin to a baby's crying. The men loaded the bos into the back of an old truck. A payment was made. Thanks, exposition, and foreshadowing were exchanged. We learned that one man--Doctor Stoner (Strother Martin)--is a scientist, the other-Kogen (Tim O'Connor)--works with a carnival. It wasn't too bad a scene.

Next we see the doctor driving his jeep and carrying on a monologue with a large boa constrictor. The doctor is revealed to be quite a likable fellow, concerned with the stupidity, ignorance, and arrogance of the human race. "So what if he's a little wacko?" I asked Randal, "and how about passing the Sterno?"

As the movie wore on, I found myself less and less afraid of having made the big mistake once again. After "Stanley," "Color Me Blood Red," "Frogs," "I Eat Your Flesh, I Drink Your Blood," "The Night of the Yellow Fog" and others, I had all but given up on the *new* horror. None of it seemed to live up to the old classics, lacking as it did in class: the movies were generally poorly produced and directed, atrociously acted, shamefully written, etc. But there was something about "Ssssss" that drew me in rather than put me off. And though I couldn't put my finger on the whole of it at first, I was sure the quality of the film had a lot to do with it. "Ssssss" is a highly professional piece of work and damnably entertaining.

The plot is as follows: Doctor Stoner is the "mad scientist" experimenting with snakes. He enlists David (Dirk Benedict) to aid him in his experiments after having sold his previous failure to Kogen. The audience knows by the second or third scene what's going on and spends most of the movie waiting to see when David and Kristina (Heather Menzies), the doctor's daughter, are going to figure it out. What Dr. Stoner is trying to do is give mankind a chance to survive its coming self-induced (through pollution, war, etc.) extinction by creating a reptillian human--in this case a blue-eyed cobra with David's brain.

There are a number of actual and logical flaws in the film. The doctor survives a bit by a black mamba (possibly the most poisonous snake in the world) without even taking an anti-venom shot, but succumbs almost immediately to a King Cobra bite for which he had surely taken some kind of immunization since he handled the beast every Sunday in a public showing. A python downs a full-sized, middle-aged ophiologist in a matter of minutes. The sign of the doctor's success in creating an intelligent cobra is displayed in the snake's having blue eyes.

"If blue eyes were the only prerequisite for intelligence," Randal observed, "it would be easy to separate the wheat from the chaff."

"Do you really talk like that?" Jean asked.

But despite the imperfections, "Ssssss" still manages to be a fairly good film, owing a lot to the fact that the actors seemed to have a good time acting in it, some fine camera work by G.P. Finnerman, and the directorial sense of Bernard L. Kowalski who managed to make his characters believeably real.

The horror film began to die in 1967 with "The Night of the Living Dead." A low-budget film (it cost less than 150 grand to produce, with a cast of hundreds), "The Night" is one of the few horror films virtually devoid of comic relief (what laughs the movie gets, it gets accidentally, unintentionally--through amateur performances, etc.). Whereas the early horror film--no matter how much the audience came to sympathize with the monster-always had the "hero" come out on top (even when the hero was thoroughly unlikable), "The Night" pulls off the ultimate in shock-endings for the old horror films and paved the way for a different kind of movie. After defeating the monsters (in this case, mobile corpses--activated by some mysterious radiation brought back by a space probe--who feast on living flesh) in a night-long battle, the hero is himself shot between the eyes by a group of vigilantes hunting and killing anything that moves outside their group.

It was but a short step from "The Night of the Living Dead" to the controversy over violence in motion pictures. Most of the really violent films (Penn's, Peckinpah's, etc.) date *since* this film. Horror was forced back into fantasy because the psychological impact of the vampire, zombie, and scientific creation had been lost to such mosters as the railroad ("The Wild Bunch" and "Box Car Bertha"), armed conflict ("Johnny Got His Gun," "Catch 22," and "Slaughterhouse Five"), and the average citizen ("Easy Rider," "Billy Jack," and "Medium Cool"). The controversial TV production, "Sticks and Bones," also explores horror in the last context.

Therefore, the fright industry was relegated to producing unbelievable pieces of trash: sado-masochistic skin flicks, suspenseless rehashes of the old formulas, and adventure or science fiction: "Blood Feast," "One Hundred and One Madmen," "One Million B.C.," "The Valley of Gwangi," etc.

"It wasn't too bad a concert, was it?" Janice said.

"It was really pretty good," I said.

Because what "Ssssss" does is pull the realm of the popular film back into the old horror construct. There is no real definition in this film between good and evil. Only two characters are portrayed in a completely negative fashion: Dr. Daniels (Richard B. Shull)--a skirt-happy university ophiologist who is Stoner's sworn enemy; and Steve Randall (Reb Brown)--an egomaniacal jock with sex his only motivation and nothing in his head. These two are victims of Dr. Stoner, and the audience virtually applauds when he destroys them.

Yet, Dr. Stoner should be the villian of the piece. After all, he has already turned one boy into a freakish half-man/half-snake, of which fact the audience is made painfully aware in a scene in which the scaly torso of the thing moans and cries real tears. And there is David who has done no wrong, is in love and loved by Kristina--only to be transformed into a blue-eyed cobra and destroyed by a mongoose.

"Pass the Sterno over here again," said Randal as we walked back to the Vega.

"You know," said Jean, "if that cobra was so smart, why didn't he just slither on up and lock that mongoose cage before it got out?"

"I don't know," I said, "maybe they didn't want to make a sequel."

"Does this make up for 'Encounter with the Unknown?'" asked Janice.

"You're even again," I said.

Theatre/Flat Rock Playhouse

That magic moment

South Carolina has played a large part in the Playhouse's success, and Farquar refers to Columbia as his second city

by John Marion

Robroy Farquar has come a long way since the Depression days of the late 1930s, the days when many aspiring actors in New York were without work and without prospects. Farquar was one of them.

Drifting from producer to producer, Farquar met many of these struggling performers, some of whom became friends. Farquar and his cohorts would spend Sunday evenings together devoted to their special interest: reading plays.

They also moved around a lot, looking for work.

"It is very difficult for a young actor to get started," Farquar recalls, "and I just wanted to be on stage, to be around the theatre, even sweeping the stage. I found the easiest way was a bit off-beat. There were very few actors who want to be managers, and I understand why, but somebody has got to be the leader of all the bands, and somehow I got insinutated into it, perhaps because I organized the company. We began as the 'Vagabond Players' in 1937."

And with a name which they had once used jokingly to refer to themselves, the Vagabond Players enjoyed some success, with three very fruitful seasons at Proctor's Fifth Avenue Theatre, then a tour at the Cherry Lane Theatre which is now owned by Playwright Edward Albee, and an even more profitable season in Florida.

It was in St. Petersburg that Farquar heard about Hendersonville, N.C. In 1940, the Vagabonds came to the mountains where they have since been performing for audiences from all over the world, and perhaps especially for South Carolinians.

"It wasn't easy, I can tell you," he says with a slight wince. "When the locals saw the girls, they just assumed that we were something like Minsky's Burlesque. Everybody said in essence, 'You seem like a nice young man. Why don't you just go home? Nothing's ever been a success here.' You see, they were suffering from the Depression.sIt was simply a tourist town in the summertime, and nobody thought we could do it. They didn't know how much stick-with-itness I had and what a stubborn Scot I was. They were very nice about it all, but nobody, nobody gave me any encouragement at all."

Thirty-three years later, however, the Vagabonds are still around, the Flat Rock Playhouse is the official State Theatre of North Carolina, and Robroy Farquar is still building with the same determination of earlier days. His summer workshop is one of the finest in the country, and has produced some well-known actors and actresses.

Lee Marvin is unquestionably the best known Flat Rock product and Farquar remembers him with affection and respect. "His image now is that of a hard drinker," he chuckles. "In those days he didn't have the money to hard drink. He's on top of the world now, though; he gets at least one-million dollars per picture ... and ends up owning the film. He was always a rugged individual, and I always wondered how long it would take Hollywood to discover his fantastic potential," he said.

"He's the kind of actor who went into the producer's office, and the producer would hand him the script, tell him to read a particular scene, and to bring it back for an audition. Well, Lee would take the script, study it, go back in, and chances are put his foot squarely on the producer's desk, and say something like, 'Look. You must be out of your mind. I'd louse up your play. God knows I need the work, but this part ain't for me.' And then he would cheerfully walk out. Damn few actors have that kind of approach.

With lights ablaze, Robroy Farquar's dreamhouse brightens a warm summer night in North Carolina.

"He's a very downright, very nice, very warm, friendly guy, highly conversational. But he was a listener. He's fundamentally a sweet guy. He was an ex-marine, though, so there's no facade. He was there in the big scene, with MacArthur, right in the thick of it."

Along with Marvin, there are other noted graduates as well. Kim Hunter has made television and cinema films, and Rosemary Prinze, who is now doing a Neil Simon play on Broadway, is particularly well-known for her role as Penny in "As The World Turns". Don Dubbins is an extremely fine actor, particularly of comedy, and has appeared on stages all over the country. He has a few films to his credit as well, his favorite being "Tribute to a Bad Man," in which he played opposite James Cagney. He has also appeared on "Gunsmoke," and "Kung Fu."

The charm of the Playhouse, however is in its family atmosphere, an intimacy shared not only aamong the players, but by the audience as well, for even though people come from all over last season --50 states and 14 countries were represented -- the chances are excellent that a spectator will find familiar faces. "Robbie," as he is affectionately known, likes it like that.

"We grow our own," he says cheerfully. "I take great pride in the fact that they (his staff) like it here. Our stage director has been with us for 21 seasons, and we have an actor who's been with us for 22. Casey Bragdon, who plays the part of Eliza Gant in "Look Homeward Angel,"', has been here for 12 seasons. Everybody's been with us for at least six years."

He notes that most of last season's apprentices, college students who are studying theatre for the summer but who are not the equity actors who actually perform, are doing a great deal of stage work this season. The apprentices, who must be at least 18 years-old, do the actual labor around the theatre, take classes, work on the productions, and occasionally act, although the great majority of performers are paid professionals. Unlike many acting schools, Flat Rock gives the novice an ideal environment in which to study with professionals, and as the students gain more experience, they are given more acting responsibilities.

That the situation is obviously agreeable and efficient is demonstrated by the fact that applications are constant and that "graduates" are usually successful.

South Carolina has played a large part in the Playhouse's success, and Farquar refers to Columbia as the "second city". Anita Grannis, who has been Flat Rock's stage director for 21 seasons is the former director of Columbia's Town Theatre. Walter O'Rourke, also of the Town Theatre, is the set designer and technical director for this season's Vagabond productions. George Epting, Rob McManus, and Chip Latimer are technical workers, and Latimer himself iplayed/ing Henry David Thoreau in the recent production of "The Night Thoreau Spent in Jail." Actresses Donna Drake and Karen Elledge are graduates of Columbia College and have also been active members of the Vagabonds.

Frank Harris, himself one of the original vagabonds who read plays on Sunday afternoons before the company formed, has settled in Columbia, and has been a major figure in the development of South Carolina theatre. The ties between Columbia and Flat Rock are therefore deep ones, and will no doubt continue.

It is when Farquar speaks of the theatre, however, that the significance is felt. Flat Rock becomes something more than summer entertainment; it reflects a way of life that affects thousands of people at their deepest levels.

"To be an actor," he says, "one must have a strong inclination towards escape. People want to get awat from the stresses and strains of the world, which is why they laugh. This is why Neil Simon, the wonderful writer, is doing such a great service for everybody. It's escape. People gather, the lights go down, and a new world is being presented, new situations, new jokes—we hope, and the lights come up. The actors are knocking themselves out, too, because they've got what they want most of all, an appreciative audience.

"Ali an actor needs is the passion and a platform...Any actor worth his salt, worth his being in the theatre at all, who thinks about it, and he's a strange breed of cat, thinks about it all the time. It must be like printer's ink...Doctors must have it, and nurses, too, that special something that nothing else will do. For the actor, nothing else *will* do, because he is alive, his creative processes are challenged, his proclivities tapped. I've directed community theatre for seventeen years, and I've seen butchers, bakers, candlestick makers, all kinds of people in all kinds of professions who loved those professions very much, but what theatre does to their creative lives! Here you get all of them working in an art form, all working together in what I call a perfect democracy, working and blending, creating something," he said.

"This is what I call the magic of the theatre. It's nice to know that you are doing what you want to do most of all, and that when everyone else is through working, they come to see you to help them escape just as the actor himself is escaping. There's a whole new world that he's creating on that stage, that picture frame stage. I always go down to the theatre here before the show, even if I'm too busy to see it...The lights dim down, the audience suddenly gets very quiet, a musical interlude sets the atmosphere, and the magic moment is about to happen..."

Television/"Sticks & Bones"

CBS scores again

We should be glad CBS had the nerve to air this one and we should be thankful to Downey

by Michael Smith

Pity poor CBS.

For the past 17 years, their clever ads tell us, that network has won the ratings game; yet, at the same time, it has managed to remain commercial television's most controversial and -- except for occasional brushes with such tripe as " Hee Haw," "Green Acres," and "Gilligan's Island" -- most imaginative source of entertainment.

During the past two years, for example, CBS has caught its share of abuse from Nixon and crew and has weathered some mini-controversies which among other things have seriously strained relationships between the network and some of its affiliates.

First came the brou-ha-ha over the telecast of "The Damned," an X-rated film shown between the hours of 11:30 p.m. and 2:30 a.m. The impact of the film was scissored intosoblivion. Later two episodes of "Maude" which dealt with the middle-aged heroine's decision to have an abortion caused great consternation up and down the network lines. "Who's Afraid of Virginia Woolf?" -- shown in prime time -- also drew some flack, but not as much as the other two telecasts. In fact, several affiliates refused to air either "The Damned" or the two "Maude" episodes.

Earlier this year, the South Carolina General Assembly spent tax money to meet and pass a resolution condemning CBS' *alleged* lans to run X-rated, hard-core skin flicks on the late show every night of the week. Our solons took this heroic step forward *after* CBS denied all rumors, insisting that such marked changes in programming had never come up for discussion.

In March, CBS again came under heavy enemy attack. This time it was a Tony-winning drama which Joesph Papp -- producer of the New York Shakespeare Festival -- produced and brought to television as one entry in a parcel of nine special threatrical presentations.

CBS originally scheduled the special for mid-March - about a month after American prisoners of war began returning from North Vietnam. Previewing the work for affiliates, network managers received unprecedented backlash with a number of affiliates turning it away. The network postponed the special in deference to the returning POWs, inserting a harmless Friday night movie into the schedule in its place.

Last week CBS again offered network affiliates the special for showing on Friday night at 9 p.m. Almost forty per cent of the nationwide affiliates refused to air the film -- WBTV in Charlotte, N.C., included. WNOK-TV in Columbia delayed the airing until Sunday night (claiming a prior committment for Friday night) and slipped the controversial drama into its late show slot.

At any rate, some American TV viewers have been given the *freedom* of seeing David Rabe's "Sticks and Bones" -- a frightening portrait of the isolation, the rot, and the accusations a blind Vietnam veteran faces from his parents, family and friends.

Andy and Ginger are loving parents, willing to forgive their son's "sins" in the war zone. They "realize" that the only reason he "pretended" to love that gook-whore was because he was horny and she was the best he could do in the circumstances. They will forgive this "lack of self-respect" if he will only admit the "truth" -- that he did not love the woman. They cheapen the only thing their son found worth being blinded for.

When they look to him for some sign of contrition -- of admitting to error -- all they can see are themselves reflected in the utter darkness of his glasses (read "eyes"), staring back at themselves.

Daniel never condemns his parents; he simply fights them with all his strength. He knows what kind of people sent him to Vietnam. He knows who blinded him for life, and he knows who forces the woman he loves into prostitution.

Wallowing in their own self-pity, the loving parents paranoically await the return of the Sergeant-Major to tell them some mistake was made -- that the man he left on their doorstep is not their little boy -- not the Daniel they know -- but a stranger.

The wounds are incurable. Repressed conversations lead to violence until no one in the family is capable of communicating with the stranger downstairs. (Daniel's younger brother tries to beat the blind man to death by slamming his head against the floor as his parents sit at the sofa and watch.) Daniel, his parents surmise, wants to commit suicide.

So they prepare for him a bowl of hot water, give him a straight razor, and watch him slit his wrists -- Andy says that's the best method. Then they roughly slip their former "bundle of joy" into a slick black Baggie -- the kind Jonathon Winters advertises -- and stash Daniel in the garbage can.

Rabe, of course, has assumed a point of view which all people do not accept -- hence, the controversy. He has no doubts that Vietnam is tearing our country apart even today, and he also has no doubts that the Vietnam war was the most destructive event -- morally -- in the history of our country. He certainly believes that America sinned by wallowing in its filth.

Rabe, though, doesn't ask for political agreement from his viewers. He asks for amnesty -- on both sides. Andy and Ginger never say "we're sorry." They can only blame the "corrupting" influence of the Vietnamese woman for Daniel's hate and disgust for them. They cannot see that they, too, are to blame for this country's (and son's) filth.

Director Robert Downey ("Putney Swope") has one of the most mobile imaginations ever unleashed on television. In fact, much of the play's impact relies on his mobility. Downey hits his audience with enough new camera angles to keep run-of-the-mill directors spinning for years. He dispenses with the most crucial scenes rapidly, quickly piling one shock on top of another until the final fade-out.

The acting is impeccable. Tom Aldredge as Andy, Anne Jackson as Ginger and Cliff DeYoung as Daniel present stark characters. Perhaps the most frightening face belongs to the black Sergeant-Major, Joe Fields. The perfect drill sergeant the SMAJ travels through the neighborhoods of America -- white and black -- delivering other bundles of joy like Daniel.

Drama on television is a rarity. Such hard-hitting stuff as "Sticks and Bones" doesn't come along very often and when it does, we only have a 50-50 chance of seeing it thanks to the hobgoblins wishing to protect us from ourselves.

We should be glad that CBS had the nerve to air this one and we should also be thankful that director Downey has done such an excellent job of presenting it faithfully.

The dirty, sloppy look is out and hair this season is clean and well cut.

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EVENTS & entertainments

Aug. 22-28

cinema

Moviegoers are advised to call ahead to check showtimes for movies, since many area theatres are given to last-minute changes.

ATLANTIC I THEATRE, 3220 Two Notch Road, 787-1225

"Cleopatra Jones" is another Black Superwoman flick, this one authorized by the U.S. Government to bust a drug ring. Stars Tamara Dobson and co-stars Shelley Winters. Features start at 3:30, 5:30, 7:30, and 9:30 p.m. Rated PG.

ATLANTIC II THEATRE, 3220 Two Notch Road, 787-1225

"Last Tango in Paris" stars Marlon Brando and Maria Schneider. See Review in this issue. Shows begin at 3, 7:30, and 10. Rated X.

DUTCH SQUARE NORTH THEATRE, Dutch Square Mall, 798-1100

"A Touch of Class," starring George Segal and Glenda Jackson. Times still unavailable at press time.

DUTCH SQUARE SOUTH THEATRE, Dutch Square Mall, 798-1100

"Paper Moon," starring Ryan O'Neal and his daughter, Tatum in one of the summer's best. In its eighth week here. Shows at 1:30, 3:20, 5:10, 7 and 9 p.m. Rated PG.

FOX THEATRE, 1607 Main Street, 254-5212

"The Man Called Noon" starring Richard Crenna at 1,3,5,7, and 9. Rated R.

GAMECOCK I THEATRE, Parkland Plaza, Cayce, 796-0022

"Cabaret." starring Liza Minnelli in an Academy award winning performance with Joel Grey. If you haven't seen it, this is a must. Shows were still not decided at press time.

GAMECOCK II THEATRE, Parkland Plaza, Cayce, 796-0022

"Live and Let Die," the disappointing new James Bond flick makes its Cayce debut after successful runs downtown and at Dutch Square.

JEFFERSON SQUARE THEATRE, 1801 Main Street, 254-6731

"Extreme Close-Up starring James McMullen, James A. Watson Jr. at 12:40, 2:20, 4, 5:40, 7:20 and 9. Rated R.

MIRACLE THEATRE, 1228 Main Street, 256-1950

"Day of the Jackal" starring Edward Fox, Allan Badel, Tony Britton. Times for Friday and Saturday shows will be 2,4:30, 7, 9:30 while the times for the rest of the week are 1:30, 4, 6:30, 9. Rated PG.

PALMETTO THEATRE, 1417 Main Street, 254-5800

"Jesus Christ Superstar" starring Carol Anderson, Yvonne Ellman, and Ted Neeley. Shows at 1, 3, 5, 7, and 9 p.m. Rated G.

PLAZA III THEATRE, 1323 Main Street, 254-7960

"Walking Tall," now in its third week. Shows at 12:40, 2:50, 5, 7:10, and 9:20. Rated R.

RICHLAND MALL THEATRE Richland Mall Shopping Center, 782-2228

"Mackintosh Man" starring James Mason, Paul Newman, and Dominique Sanda and directed by John Huston. Shows at 1, 3, 5, 7, and 9 p.m. Rated PG.

theatre

FLAT ROCK PLAYHOUSE located between Greenville and Asheville on Highway 25, presents "Teahouse of the August Moon," John Patrick's Pulitzer Prize-winner starring Don Dubbins. Shows are presented at Flat Rock on Tuesday through Saturday at 8:30 with matinee shows at 2:30 p.m. Wednesday and Saturday. Tickets are $4 and $3.50 with children admitted to the matinee for $1.50.

specials

SEVEN COLUMBIA ARTISTS—showing at the Columbia Museum of Art through August. Contemporary paintings, woodblocks, grahics, sculptures, etc. Located at the corner of Senate and Gregg Streets. Open Tuesday through Sunday.

MIDLANDS NATURAL GROWERS Association will host a discussion of "What Gardeners Want to Know About Nuclear Plants," Monday, August 27 at 7:30 p.m. The discussion will be held in the Community Room of the Security Federal Savings and Loan Association, 1440 Broad River Rd., will be led by Mrs. Ruth Thomas, who State Senator Walter Bristow Jr. has recommended for appointment to the South Carolina Nuclear Advisory Council. The council was set up this year by the legislature. The topic is of special interest to those South Carolinians because several nuclear plants are planned in the near future here. The association's meeting is open to anyone interested in Organic gardening.

HILTON HEAD ISLAND will host eight of the tennis world's best pros on the days September 10-12. John Newcombe, Arthur Ashe, Rod Laver, Chris Evert, Evonne Goolagong, Margret Court and Island hosts Stan Smith and Billie Jean King. Arranged for filming by ABC sports, but limited tickets are available. Contact John Smith, Sea Pines Plantation Company, Hilton Head Island, for ticket info.

COLUMBIA CHAPTER of the National Organization for Women will sponsor a "Day of Celebration" on August 25 at St. Andrews Park off Broad River Rd. The day will be to commemorate the ratification of the 19th Amendment to the Constitution, concerning women's suffrage. The festival will include bake, craft, and rummage sales and a bar-b-que dinner at the end of the day. Tickets for the dinner may be obtained from Deborah Sanders at 798-0982 or at the Record Bar at Dutch Square. For more information on "The Day of Celebration, contact Jan Jordan at 256-7077.

television

Friday, August 24

8 p.m. –"60 Minutes" We never know up until showtime what will be on but it's usually good viewing. (Channel 19).

8 p.m. -- NFL Pre-Season Football has the LA Rams going against Shula's Miami Dolphins in what ought to be a good game. (Channel 10)

8:30 p.m. – Book Beat. Theodore White talks about "The Making of the President 1972," the latest of his unique stories on the American political process. (ETV-Channel 35)

9 p.m. – "The Jazz Set." The wild and wonderful Charles Mingus features his sextet in an entertaining half hour of music. (ETV-Channel 35)

11:30 p.m. - Movie. "Three Bites of the Apple" (1967). David McCallum, (that man from UNCLE), Tammy Grimes, Sylvia Koscina, Harvey Korman. A good sexit trip with Tammy and Sylva looking good enough to peel, but the rest of the movie is full of pits. (Channel 19)

Saturday, August 25

2:30 p.m. – Movie. "That Funny Feeling." Bobby Darin, Sandra Dee, Donald O'Conner. (1965). Working girl meets boy exectives and ooh-la-la. Channel 25.

5 p.m. -- World University Games. Men and women's swimming and diving, men and women's trakc and field, basketball highlights. (Channel 19)

8 p.m. – NFL Pre-Season football. Baltimore Colts at Washington against the 'Skins in their annual exhibition grudge match. (Channel 10)

8:30 p.m. - Playhouse Biography. "Vincent Van Gogh." Michael Gough plays the greatest painter of the 19th century. Van Gogh's personal letters were used to recreate the emotional and artistic intensity of his life during the turbulent but productive years of 1889-1890. (Channel 35-ETV)

11:30 p.m. Movie. "Revenge of the Creatures." (1955) John Agar, Lord Nelson in another monster-from the -deep epic– this time a "gillman" is smitten with the leading lady. For the juvenile audience. (Channel 19)

12:15 a.m. – Movie. "Island of Terror" (British 1967). Peter Cushing, Edward Judd, Carole Gray. Medical experts journey to an island where they discover shell-fish animals which show a penchant for devouring the bones of their victims. Well-done sci-fi thriller. (Channel 25)

12:30 a.m. –Movie. "The Frogmen" (1951). Richard Widmark, Dana Andrews, Gary Merrill, Jeffrey Hunter. Interesting underwater photography. (Channel 10)

Sunday, August 26

1 p.m. – Movie. "Jet Storm." Richard Attenborough, Stanley Baker, Hermoine Baddeley. (Channel 10).

6 p.m. - CBS News Retrospective on "Black History." Excellent viewing at an old CBS documentary. (Channel 19).

8 p.m. – Evening at the Pops. Dances from around the world are demonstrated by the Boston Ballet. (ETV, Channel 35).

9 p.m. -- NFL Pre-Season Football. Green Bay at Kansas City. (Channel 25).

11 p.m. -- Movie. "Five Pennies" (1959). Danny Kaye, Barbara Bel Geddes, Tuesday Weld. The acting isn't great in this biographical film of jazzman Red Nichols, but the soundtrack includes some solos of Nichols himself, Bob Crosby, Louis Armstrong, and others. A treat for jazz fans. (Channel 19)

Monday, August 27

9 p.m. - Movie. "The Bliss of Mrs. Blossom" (British, 1968). Shirley MacLaine, Richard Attenborough, and James Booth. Far-out farce about the bored wife of a bra manufacturer who stashes away a lover in the attic. (Channel 25)

11:30 p.m. -- Movie. "The Old Man and the Sea" (1958). Spencer Tracy in Ernest Hemingway's classic. Tracy is superb making this a must-see film. (Channel 25).

Tuesday, August 28

11 p.m. – Movie. "The Night of the Iquana" (1964). Richard Burton, Deborah Kerr, Ava Gardner. An unusually faithful portrayal of Tennessee Williams' play, a searing study about genteel losers down on their luck in Mexico. Burton is perfect. (Channel 19)

concerts

SHA NA NA will present its "Golden Age of Rock 'n Roll" show at the Carolina Coliseum on August 24 at 8 p.m. Dr. John is also on the program. Tickets are now on sale at the Coliseum ticket office and ticket outlets around the city.

ROGER McGUINN, who used to be with the Byrds, has scheduled a show for Wednesday, August 22 at the Municipal Auditorium in Atlanta.

CHEECH AND CHONG, a comedy team, will appear at the Symphony Hall in Atlanta on Friday, August 24.

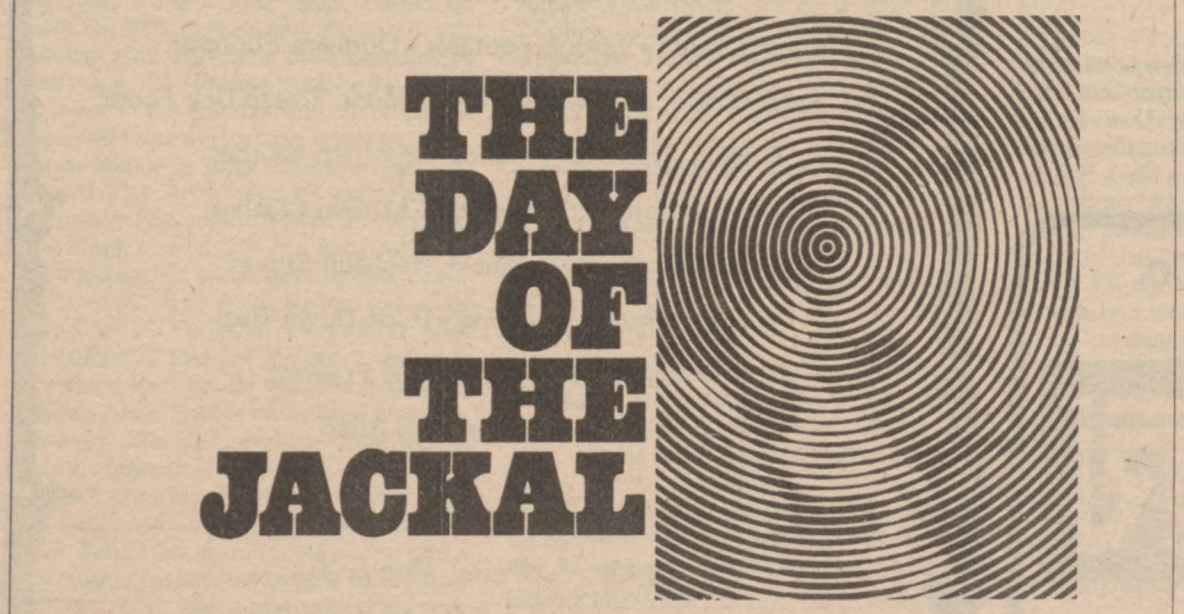
new albums

BREEZY STORIES (Atlantic)—Danny O'Keefe. It doesn't take a Woodward and Bernstein investigation to see what an amazing jump Danny O'Keefe has made in the last year. After his success with "Good Time Charlie's Got the Blues" confidence has gone to his head and he's managed to put together a very consistent album with each song as good or better than anything he's ever done. The writing is quite good, with most of the lyrics taking on a purposefully ambiguous tone; most of them purport to be about two things at once, and except for songs like "Junkman", which is a little too obviously only about drugs, the double entendres really work. Some songs, like "Mad Ruth/The Babe," are a little disturbing in their second meaning, but all are successful nonetheless. Incidentally, the co-conspirators in this case are all listed plainly (Dr. John, Donny Hathaway, David Bromberg, and Bernard Purdie) and the excellent musicians make for a very well-paced and enjoyable album.

FORWARD MOTION (Warner Brothers)—The Section. The point of The Section's first album was, I believe, to show what these four studio musicians (Danny Kortchmar, Leland Skar, Russ Kunkel, and Craig Doerge) could do when they put their talents together. That album worked quite well. The point of the group's second effort seems to be to show what each of the members can do alone, and the result sort of falls apart. Forward Motion is really four separate solo albums combined into one. When they get together on the title song and "Smilin' Ed", for example, they show their skills off quite well. But when they solo (as on "Get Down, Piltdown," Sklar's bass solo which sounds similar to what you might hear if you were riding a subway and leaned your ear too close to the conductor's booth) they are too often trying to push their dexterity and skill over musical achievement. We all know they can play better than most people in the business, but on this record they try too hard to show it and the enjoyable music they played on their first album is left behind. One drum solo or a two-and-a-half minute subway ride is enough to distract from the very enjoyable moments.

HISTORY OF THE GRATEFUL DEAD, Vol. 1, (Bear's Choice)—The Grateful Dead (Warner Brothers). Try to avoid this one. It was recorded live at the Fillmore in 1970 as if the group doesn't already have enough live material on the market. If this is a history of the group, then we might as well forget about them. The entire album is sloppy and boring, and their 18-minute version of "Smokestack Lightnin' " is probably the worst dirge they've ever recorded. This is their latest album for Warners before they go into selling their albums without corporate assistance. Or so they say. Talk for several years has been about the time they go into the record-selling business themselves to sell what they make and make what they want, so that no one would get ripped-off by the record companies. But this live "history" is about the biggest rip-off ever, and I have serious doubts about the sincerity of their claim of future goals.

---Tom Priddy



"The Day of the Jackal," billed as "The suspense film of the year," begins its Columbia run Friday at the Miracle Theatre. The Fred Zinnemann- directed film deals with a last-ditch attempt in 1963 by OAS and a hired professional to kill French President c Charles de Gaulle. Rated PG.

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